



Executive Summary

Draft City of Cape Town Short-Term Letting By-law, 2026

Background

The City of Cape Town is proposing a Short-Term Letting By-law to monitor and regulate properties that are used for short-term letting purposes, such as holiday rentals, advertised on booking platforms.

The proposed By-law aims to improve compliance with the City's existing Rates Policy, which requires that commercial property rates be paid for premises used for commercial short-term letting. Over time, the City has been working to systematically identify non-complying properties where residential rates are incorrectly being paid. The proposed By-law will aim to take these efforts a step further to ensure fairness in the accommodation sector.

Commercial rates do not apply to people part-time letting some of their residence to supplement income, or to long-term rentals, as these properties are considered the primary residence of the tenant.

The primary purpose of the By-law is to build a system to enable the City to ensure that properties that are used primarily as short-term letting accommodation are correctly categorised for municipal property rates purposes, while properties that are mainly used as a primary place of residence continue to be treated as residential properties. The By-law also aims to improve transparency, establish clear responsibilities for property owners, operators and booking platforms, and provide the City with reliable information to support planning and enforcement. The City has engaged extensively with industry stakeholders, considered relevant best practice, and determined that this approach provides the fairest and most effective means of achieving its objectives.

In terms of the By-law, "short-term letting" refers to the use of a furnished property, or part of a property, by temporary guests for a fee. The definition would be applicable to and include houses, apartments, rooms, or other accommodation offered through booking platforms.

Overview of the draft Short-Term Letting By-law

The draft Short-Term Letting By-law will apply to property owners, operators and booking platforms involved in short-term letting within the City of Cape Town. Key proposals include:

1. Registration of properties: All properties used for short-term letting or listed on booking platforms will be required to be registered with the City. The City will issue a unique registration number for each property.
2. Display of registration numbers: A property may not be advertised or listed for short-term letting unless it has been registered, and the City-issued short-term letting registration number must be displayed on all listings.

3. Responsibilities of booking platforms: Booking platforms will be required to identify themselves to the City, assist with registration of properties, share required information with the City, maintain accurate records of registered properties, ensure all listings are registered with the City, and remove listings where a registration has been cancelled by the City.
4. Data sharing and monitoring: Booking platforms, property owners and operators will be required to provide the information needed for registration as well as data on each listing's availability and occupancy to be used by the City to categorise properties.

Distinction between residential and commercial properties with respect to short-term letting

The City's Rates Policy provides a threshold to determine the appropriate property rating category based on the number of room nights a property is available for short-term letting during a year.

- Properties used for short-term letting for 50% or less of their total annual room-night capacity may continue to be regarded as residential properties, provided it meets the City's Rates Policy requirements.

Properties used for short-term letting for more than 50% of their total annual room-night capacity will be regarded as commercial properties and will be rated accordingly.

Compliance

The By-law provides the City with mechanisms to monitor compliance and address non-compliance. This includes the ability to issue compliance notices and require corrective action where the requirements of the By-law are not being met.

Transitional arrangements

The City intends to provide a grace period after the By-law comes into effect to give owners, operators and booking platforms time to register and comply with the new requirements. The timing of this transitional period will be communicated through a public notice.

Bestuursopsomming

Stad Kaapstad: Konsepverordening op Korttermynverhuring, 2026

Agtergrond

Die Stad Kaapstad stel 'n Verordening op Korttermynverhuring voor om te monitor en te reguleer dat eiendomme gebruik word vir die korttermynverhuringsdoeleindes waarvoor dit op besprekingsplatforms geadverteer word, byvoorbeeld vakansieverhuring.

Die voorgestelde verordening beoog om voldoening aan die Stad se bestaande beleid oor eiendomsbelasting te verbeter, wat vereis dat kommersiële eiendomsbelasting betaal word op persele wat vir kommersiële korttermynverhuring gebruik word. Die Stad het die afgelope tyd stelselmatig eiendomme geïdentifiseer wat nie aan die voorskrifte voldoen nie en verkeerdelik residensiële tariewe betaal. Met die voorgestelde verordening word hierdie werk nou verder gevoer om regverdigheid in die verblyfsektor te verseker.

Kommersiële tariewe is nie van toepassing op mense wat 'n deel van hulle woning deelyds verhuur om hulle inkomste aan te vul óf op langtermynverhuring nie, aangesien hierdie eiendomme as die huurder se primêre woning beskou word.

Die hoofdoel van die verordening is om 'n stelsel te skep wat die Stad in staat stel om te sorg dat eiendomme wat hoofsaaklik as korttermynhuurverblyf gebruik word korrek gekategoriseer word vir die doel van munisipale eiendomsbelasting, terwyl eiendomme wat hoofsaaklik as 'n primêre woonplek gebruik word steeds as residensiële eiendomme hanteer sal word. Die verordening beoog ook om deursigtigheid te verbeter, duidelike verantwoordelikhede vir eiendomseienaars, eiendomsoperateurs en besprekingsplatforms neer te lê, en die Stad van betroubare inligting te voorsien om beplanning en toepassing te ondersteun. Die Stad het met 'n wye verskeidenheid bedryfsrospelers in gesprek getree, tersaaklike beste praktyk in ag geneem, en bepaal dat hierdie benadering die regverdigste en doeltreffendste manier is om die munisipaliteit se doelwitte te bereik.

Ingevolge die verordening verwys “korttermynverhuring” na die gebruik van 'n gemeubileerde eiendom, of 'n deel van 'n eiendom, deur tydelike gaste teen 'n fooi. Dié omskrywing is van toepassing op én sluit in huise, woonstelle of ander verblyf wat deur besprekingsplatforms aangebied word.

Oorsig van die Konsepverordening op Korttermynverhuring

Die Konsepverordening op Korttermynverhuring sal van toepassing wees op eiendomseienaars, eiendomsoperateurs en besprekingsplatforms wat betrokke is by korttermynverhuring in die regsgebied van die Stad Kaapstad. Die vernaamste voorstelle sluit in:

1. Registrasie van eiendomme: Alle eiendomme wat vir korttermynverhuring gebruik of op besprekingsplatforms gelys word, sal by die Stad geregistreer moet word. Die Stad sal 'n unieke registrasienommer vir elke eiendom uitreik.
2. Vertoon van registrasienommers: 'n Eiendom mag nie vir korttermynverhuring geadverteer of gelys word tensy dit geregistreer is nie, en die Stadsregistrasienommer vir korttermynverhuring moet saam met die res van die gelyste eiendomsbesonderhede vertoon word.
3. Verantwoordelikhede van besprekingsplatforms: Daar sal van besprekingsplatforms verwag word om hulleself aan die Stad te identifiseer, bystand te verleen met die registrasie van eiendomme, vereiste inligting aan die Stad te voorsien, akkuraat rekord te hou van geregistreerde eiendomme, te sorg dat alle eiendomme op die platform by die Stad geregistreer is, en die besonderhede te verwyder van eiendomme waarvan registrasie deur die Stad gekanselleer is.
4. Datavoorsiening en -monitering: Daar sal van besprekingsplatforms, eiendomseienaars en eiendomsoperateurs vereis word om die nodige inligting vir registrasie sowel as data oor die beskikbaarheid en besetting van elke geadverteerde eiendom beskikbaar te stel sodat die Stad dit kan gebruik om eiendomme te kategoriseer.

Onderskeid tussen residensiële en kommersiële eiendomme wat korttermynverhuring betref

Die Stad se beleid oor eiendomsbelasting maak voorsiening vir 'n drempel om die gepaste eiendomsbelastingkategorie te bepaal op grond van die getal kamernagte waarvoor 'n eiendom gedurende 'n jaar vir korttermynverhuring beskikbaar is.

- Eiendomme wat vir 50% of minder van hulle totale jaarlikse kamernagkapasiteit vir korttermynverhuring gebruik word, kan steeds as residensiële eiendomme beskou word, mits dit aan die vereistes van die Stad se beleid oor eiendomsbelasting voldoen.
- Eiendomme wat vir meer as 50% van hulle totale jaarlikse kamernagkapasiteit vir korttermynverhuring gebruik word, sal as kommersiële eiendomme beskou en diennooreenkomstig belas word.

Voldoening

Die verordening skep meganismes vir die Stad om voldoening te moniteer en nievoldoening te hanteer. Dít sluit in die vermoë om voldoeningskennisgewings uit te reik en op regstellende optrede aan te dring indien die vereistes van die verordening nie nagekom word nie.

Oorgangsreëlings

Die Stad is van plan om 'n grasietydperk toe te laat nadat die verordening in werking getree het om eienaars, operateurs en besprekingsplatforms tyd te gun om te registreer en aan die nuwe vereistes te voldoen. Die duur van hierdie oorgangstydperk sal deur middel van 'n openbare kennisgewing bekend gemaak word.

UShwankathelo lweSigqeba

UMthetho kaMasipala oLuyilo ongoQeshiso LweXesha elifutshane Imvelaphi

ISixeko saseKapa senza isiphakamiso esijoliswe kuMthetho kaMasipala ongoQeshiso lwexesha elifutshane, ukulungiselela imibandela yokubeka iliso nokulawula iipropati ezisetyenziselwa uqeshiso lwexesha elifutshane, ezifana neendawo zokuhlala zeholide ezibhengezwa kumaqonga okubhukisha.

Esi siphakamiso esingoMthetho kaMasipala injongo yawo kukuphuculo ukuthotyelwa koMgaqonkqubo ongaMaxabiso weSixeko osele ukhona, wona othi izakhiwo ezisetyenziselwa uqeshiso lwexesha elifutshane mazihlawulwe iintlawulo zeepropati ezingorhwebo. Ukuzokutsho ngoku, iSixeko sithe senza iinzame zokuchonga ngokulandelelana iipropati ezingayithobeliyo imithetho, apho iintlawulo zobuhlala zihlawulwa ngendlela engafanelekanga. Isiphakamiso esingoMthetho kaMasipala uzakuthi ujolise ekuthatheni la manyathelo uwase kwinqanaba eliphezulu ukuze kuqinisekise ubulungisa kwicandelo elingokubonelela ngendawo yokuhlala.

Iintlawulo zorhwebo azisebenzi kubantu abaqeshisa ngezindlu zabo okwethutyana ukuze bongeze ingeniso, okanye ezirentisa ixesha elide, njengoko ezi propati zithathwa njengeyona ndawo yokuhlala yomqeshi.

Injongo ephambili yalo Mthetho kaMasipala kukwakha inkqubo ezakuvumela ukuba iSixeko siqinisekise ukuba iipropati ezisetyenziswa kakhulu njengendawo yokuhlala eqeshiswa ixesha elifutshane zihlelwa ngokuchanekileyo ukulungiselela imibandela yamaxabiso eeepropati

zikamasipala, ngelixa iipropati ezisetyenziswa ikakhulu njengendawo yokuhlala esisiseko ziqhubeka ziphathwa njengeepropati zokuhlala. Injongo ephambili yalo Mthetho kaMasipala kukwakha inkqubo ezakuvumela ukuba iSixeko siqinisekise ukuba iipropati ezisetyenziswa kakhulu njengendawo yokuhlala eqeshiswa ixesha elifutshane zihlelwa ngokuchanekileyo ukulungiselela imibandela yamaxabiso eepropati zikamasipala, ngelixa iipropati ezisetyenziswa ikakhulu njengendawo yokuhlala esisiseko ziqhubeka ziphathwa njengeepropati zokuhlala. Lo Mthetho kaMasipala ukwajolise ekuphuculeni ukubaselubala kwezinto, ekumiseleni uxanduva olucacileyo kubanini beepropati, kubasebenzi nakumaqonga okubhukisha, kunye nokubonelela iSixeko ngolwazi oluthembekileyo lokuxhasa ucwangciso kunye nonyanzeliso lomthetho. ISixeko sithe sathethana ngokubanzi nabo bachaphazelekayo kweli candelo, sikwaqwalasela iindlela ezilungileyo zokusebenza ezifanelekileyo, saza sagqiba kwelokuba le ndlela ibonelela ngeyona ndlela inobulungisa nesebenzayo yokufezekisa injongo zaso.

NgokoMthetho kaMasipala, "uqeshiso lwexesha elifutshane" kubhekisela ekusetyenzisweni kweepropati enefanitshala, okanye inxalenye yepropati, ziindwendwe ezihlala okwethutyana simahla. Le nkcazelo iyasebenza kwaye ibandakanya izindlu, iiflethi, amagumbi, okanye ezinye iindawo zokuhlala ezifumaneka ngokusebenzisa amaqonga okubhukisha.

Uphengululo loMthetho kaMasipala oluyilo ongoQeshiso lwexesha elifutshane

UMthetho kaMasipala oluyilo ongoQeshiso lwexesha elifutshane uyakusebenza kubanini beepropati, kubasebenzi nakumaqonga okubhukisha abandakanyeka kuqeshiso lwexesha elifutshane kwiSixeko saseKapa. Iziphakamiso eziphambili ziquka:

1. Ubhaliso lweepropati: Zonke iipropati ezisetyenziselwa uqeshiso lwexesha elifutshane okanye ezidweliswe kumaqonga okubhukisha kuzakufuneka zibhaliswe kwiSixeko. ISixeko siza kukhupha inombolo yobhaliso eyahlukeneyo kwipropati nganye.
2. Ukuboniswa kweenombolo zobhaliso: Ipropati mayinakubhengezwa okanye idweliselwe uqeshiso lwexesha elifutshane ngaphandle kokuba ibhalisiwe, kwaye inombolo yobhaliso yokuqeshisa ixesha elifutshane ekhutshwe siSixeko kufuneka iboniswe kuzo zonke izibhengezo zayo.
3. Uxanduva lwamaqonga okubhukisha: Amaqonga okubhukisha kuzakufuneka azazise kwiSixeko, ancedise kubhaliso lweepropati, inikise ngeenkcukacha ezifunekayo kwiSixeko, agcine iirekhodi ezichanekileyo zeepropati ezibhalisiweyo, aqinisekise ukuba zonke iipropati eziqeshisayo zibhalisiwe kwiSixeko, kwaye asuse izibhengezo zeepropati apho ubhaliso lurhoxiswe khona siSixeko.
4. Amaqonga okubhukisha, abanini beepropati kunye nabasebenzi kuzakufuneka badlulise ngeenkcukacha ezifunekayo ukulungiselela ubhaliso, kunye neenkcukacha malunga nokufumaneka nokusetyenziswa kweepropati nganye, ukuze zisetyenziswe siSixeko ekuhluleni iipropati ngokweendidi zazo.

Umahluko phakathi kweepropati zokuhlala nezingorhwebo ngokujoliswe kuqeshiso lwexesha elifutshane.

Umgqonkqubo ongaMaxabiso weSixeko unikeza umda ukulungiselela ukumiselwa kodidi olufanelekileyo lwentlawulo yepropati, ngokusekelwe kwinani leentsuku ezifumanekayo zokurentisa ipropati ixesha elifutshane ngonyaka.

- Iipropati ezisetyenziselwa ukuqeshiso lwexesha elifutshane kangange50% okanye ngaphantsi komthamo wazo opheleleyo wonyaka wokwamkela iindwendwe zingaqhubeka zithathwa njengeepropati zokuhlala, ukuba nje ziyahlangabezana neemfuno zoMgaqonkqubo ongeNtlawulo weSixeko.

Iipropati ezisetyenziselwa uqeshiso lwexesha elifutshane elungaphezu kwe50% umthamo wazo zonke indlu ngosuku/busuku ngonyaka ziyakuthathwa njengeepropati zorhwebo kwaye ziyakuhlawuliswa ngokufanelekileyo.

Ukuthotyelwa komthetho

Lo Mthetho kaMasipala ubonelela iSixeko ngeendlela zokubek'iliso kuthotyelo kwakhona ujongane nokungathotyelwa komthetho. Oku kuquka amandla okukhupha izaziso ezingokuthotyelwa komthetho nokufuna ukuba kuthathwe amanyathelo okulungisa imeko apho iimfuno zoMthetho kaMasipala zingahlangatyezwa khona.

Izicwangciso zotshintsho zethutyana

ISixeko sifuna ukubonelela ngexesha lesisa emva kokuba lo Mthetho kaMasipala uthe waqala ukusebenza, ukuze abanini, abasebenzi kunye namaqonga okubhukisha bafumane ixesha lokubhalisa nokuthobela iimfuno ezintsha. Ixesha lolu tshintsho lizakuthi laziswa kusetyenziswa izaziso esiya kuluntu.