Implementation of emergency housing

CASE STUDIES

HDA
HOUSING DEVELOPMENT AGENCY

Case studies: Implementation of emergency housing

The *Case studies* offer guidance to officials in municipal and provincial government who are directly engaged with the process and provision of emergency housing in South Africa. They were developed by a team of development practitioners, researchers and academics in South Africa.

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Preface

The Emergency Housing Programme is a programme provided for in Part 3 Volume 4 of the National Housing Code. According the Housing Code "The main objective of this Programme is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency situations of exceptional housing need through the allocation of grants to municipalities…".

The Emergency Housing Programme recently received significant attention through constitutional court judgments such as the Joe Slovo and Blue Moonlight cases, and others. The Programme is best known for its use of the contentious Temporary Relocation Areas (TRAs). However, the Programme is designed to implement a range of emergency housing responses, highlighting the main challenges encountered. It is used regularly by municipalities across the country to respond to a plethora of emergency housing situations.

In 2011 the Housing Development Agency (HDA) undertook several site visits to TRAs and informal settlements in the Western Cape, Kwazulu-Natal and the Eastern Cape to assess the conditions at TRAs and to understand the challenges related to process faced by implementing officials. Conditions on the sites raised concerns about plot size, quality and appropriateness of the structures, health and hygiene, safety and security, sanitation, child care, and the lack of electricity. Additional concerns on issues such as human dignity, location, and livelihood considerations were raised in response to a variety of emergency housing interventions.

The Emergency Housing Programme provides the framework for implementation to officials in local and provincial government. In order to ensure that the policy is informed by current realities, case studies of the implementation of the Programme in Cape Town, eThekwini, and Johannesburg were developed.

Contents

Acronyms

ADC	Area Development Committee
BNG	Breaking New Ground
CLO	Community Liaison Officer
EIA	Environmental Impact Assessment
HDA	Housing Development Agency
IRT	Integrated Rapid Transit
LEFTEA	Less Formal Township Establishment Act
NERSA	National Energy Regulator of South Africa
NIMBY	Not in My Backyard
RDP	Reconstruction and Development Programme
SERI	Social and Economic Rights Institute

Case studies

The following case studies present evidence to clarify the challenges and constraints encountered in the implementation of the Emergency Housing Programme in South Africa. Each case study highlights some of the considerations relevant to emergency housing planning, implementation, and community engagement.

This document contains emergency housing profiles for the following three cities:

1. eThekwini

- **KwaMakhutha** – *in situ* formal and transitional house repair in the wake of a devastating storm in peri-urban eThekwini

- **Jadhu Place** – *in situ* use of transit camps in the wake of an informal settlement fire

2. Cape town

- **Joe Slovo** – relocation as a result of fire and eviction from informal settlements and Temporary Relocation Areas

3. Johannesburg

- **Pikitup** – site eviction from an unsafe location

SECTION 1

eThekwini case studies

1. Introduction

The following two case studies explore common examples of emergency housing situations in eThekwini. These emergency situations are similar to those encountered in many areas across South Africa, both in terms of type and scale. The case studies seek to shed light on the process of dealing with emergency shelter in urban informal settlements and peri-urban contexts. They reflect on emergency housing responses relating to the following: storm damage to formal and traditional housing in KwaMakhutha; fire damage in an informal settlement in Jadhu Place.

2. Kwazulu-Natal provincial context

In terms of the implementation of the Emergency Housing Programme, the KwaZulu-Natal Provincial Department of Human Settlements approves funding for interventions, and monitors the spending process to ensure that the policy and all relevant legislation are adhered to. In addition, the Province declares disasters in order to trigger the involvement of other departments, including Disaster Management at the local and provincial levels, depending on the scale and degree of the disaster incident and the relevant emergency response.

In the past, the KwaZulu-Natal Department of Human Settlements did not manage emergency housing situations as a structured programme in its own right, as it was incorporated into other 'special project' activities of the Department. As a result, it is difficult to track provincial records on emergency housing funding and implementation due to the inability to disaggregate the programme from other 'special projects'.

To date, the involvement of the provincial government in emergency housing is spread between various offices located in Durban and Pietermaritzburg. There is no clear supervision of the programme, and funding for projects takes place on a case-by-case basis. The Province is moving toward 'up-front release' of funds to municipalities due to a growing inability of municipalities to provide bridging finance for emergency housing situations as a result of slow and often impossible recovery processes. This shift is currently in a testing phase. However, should the municipality be able to complete all relevant documentation, applications, and monitoring effectively after receiving the funding (rather than completing the aforementioned before funding is allocated), this could set precedent for rapid release of funding for emergency housing situations.

3. eThekwini municipal context

Local government is responsible for the implementation of the Emergency Housing Programme, including working with affected communities, contractors, and other line functions.

The eThekwini Municipality makes significant use of emergency housing funding – mainly for on site assistance with and without relocation. Relocation is avoided generally due to a lack of available land. The municipality regularly rebuilds damaged or ruined formal and traditional houses in rural and urban areas, addressing the frequently severe weather-related events (typically storms and fires).

When such emergencies occur at scale, they are usually first declared 'disasters' by the provincial government (for example KwaMakhutha and Molweni in 2008), after which the municipality is able to use the Provincial Disaster Management Department's resources, including tents and marquees. Disaster management support at municipal level does not include housing, and therefore, in non-disaster emergencies, the tents and marquees are provided through bridging finance from the municipality.

The eThekwini Municipality estimates the costs for its most common emergency housing responses as follows:

The costs of *in situ* upgrading material replacement vary depending on the type of structure damaged (shack or formal house), and the degree of damage. Approximately R5,000 of materials is needed for a shack, and include corrugated iron, treated poles, nails, and sometimes a bag of cement for a slab. An additional R2,500 is required for project management and local contractors to expedite the process. Complex terrain usually necessitates some budget for hiring small earthmoving equipment to clear rubble and prepare the site. Commonly, the rebuilding of shacks in more durable forms is referred to as 'relocation transit camps' or Temporary Relocation Areas (TRAs) as they are seen as temporary solutions until formal housing can be provided. The rebuilding of formal houses is significantly more expensive.

In cases where relocation is necessary, eThekwini Municipality is cautious about creating TRAs. At present, the municipality is experiencing significant challenges with the existing relocation areas, including a return to slum-like conditions; locations that are not suitable for the urban poor; and high maintenance costs.

The need to relocate households often arises from two situations. Firstly, from de-densification on conventional upgrades which are/were part of the Slum Eradication Programme (such as, moving people out of service lanes or from parts of sites that are un-developable such as wetlands); and secondly, from 'must move' high-risk informal settlements or portions thereof (due to unstable slopes or flooding, for example). Additionally, there is a shortage of well-located land available for relocation, thus making in situ upgrading a considerably more practical approach.

Figure 1: The KwaZulu-Natal Province (orange) with eThekwini highlighted (blue).

4. Informative trends emerging from emergency housing practice

4.1 Funding release

The slow and cumbersome process of fund recovery for emergency housing projects is the foremost concern of the eThekwini Municipality, as bridging of funding is becoming increasingly difficult for the municipality. Typically, this process takes between one and two years, affecting funding cycles and the City's capacity to monitor spending. Additionally, the provincial government will only release funding for items specifically indicated in the policy, allowing no flexibility to the housing departments responsible for emergency housing when other departments (such as Disaster Management) fall short.

4.2 Monitoring and evaluation of projects

The eThekwini Municipality has progressively worked toward regularising the provision of emergency housing. The City prefers to take responsibility for project management in the provision of emergency housing, and to utilise local contractors to expedite rebuilding and ensure quality. In the past, material vouchers were provided to allow for self-build, but often materials were sold or used for other purposes. In efforts to manage beneficiary information efficiently, and to ensure that emergency housing needs are addressed directly, the municipality encourages households affected by fires to open a case at the nearest police station to make certain that the reporting and confirmation of being affected is 'legal and binding'.

4.3 Sustainability of intervention

The replacement of materials through on-site transit camps is a more sustainable and durable solution to emergency housing than temporary areas or starter kits, which have proven insufficient to reduce vulnerability. By using significantly higher standards for building and design, municipal officials reported that repeated rebuilding of the same shacks/houses/dwellings is avoided, thereby reducing vulnerability as an interim solution.

4.4 Interim servicing

The eThekwini municipality finds it challenging to equip transit areas with basic services. Electrification of transit sites is problematic due to transfer and eligibility issues concerning the connection fee and NERSA (National Energy Regulator of South Africa) connection subsidy – when residents move to formal housing, the connection subsidy from NERSA is forfeited. Efforts to align the programmes are underway.

1. KWAMAKHUTHA CASE STUDY

Peri-urban storm emergency housing situation

1. Introduction

The KwaMakhutha case study outlines the process of implementing emergency housing as a response to an extreme storm across a peri-urban settlement. In this case, the municipality used Situation Category 2 (Permanent Formal Housing to be repaired or rebuilt) for repair and reconstruction of formal housing.

2. Location

The case study area extends from KwaMakhutha to Luthuli along the East Coast, south of Durban. KwaMakhutha is located immediately inland from the sea, and is described as peri-urban. The case study encompasses the five wards where emergency housing was needed, namely wards 94, 95, 96, 97 and 98 (based on 2008 ward boundaries). Luthuli is located just in land from the coast south of Amanzimtoti. The settlement pattern comprises formal, traditional and shack dwellings, built from a variety of materials including mud and brick, scattered over the landscape in small clusters of five or six houses.

Figure 2: Cast study area extends from KwaMakhutha (circled in red) to Luthuli just in land from Amanzimtoti.

3. Vulnerability

The geology of the region contributes to the area's exposure to extreme weather conditions. Some areas inland from the coast often experience strong winds and heavy rains due to the mountainous terrain that creates channels coming from the sea. The most vulnerable areas are situated along these valleys and are not shielded from north-western winds. Moreover, the area is dotted with households that have low incomes and hardly any means to upgrade and maintain their own, often self-built, structures.

4. Emergency event

A severe storm hit the area in late December 2008, devastating several areas described above. Approximately 1,500 people were left homeless. Provincial government declared a disaster in order to allow for the release of food, blankets, and tents, administered by field workers from various line function departments and volunteers from the Red Cross.

The first step of the intervention was to rent tents that could accommodate families until houses could be rebuilt. The Provincial Department of Disaster Management and the municipal Housing Department coordinated the provision of individual tents and shipping containers used as distribution points for food and blankets.

In March 2009, the municipality appointed contractors to oversee the rebuilding of houses. *In situ* house repair was chosen as a suitable intervention due to the vulnerability of many of the houses deriving from poor construction methods and maintenance. The municipality argued that the easiest way to create shelter, increase durability, and circumvent planning applications and assessments, was to rebuild the housing unit as it stood.

Figure 3: A new house constructed through the Emergency Housing Programme (right), adjacent to the post-storm remains of a house (left).

5. Implementing emergency housing

The municipality acted rapidly in choosing an appropriate emergency housing response to address the need for approximately 1,000 houses to be rebuilt and 500 to be repaired. Following the storm, the local government was forced to make a clear decision regarding the safety of the area for future settlement. It was agreed that the affected households could not be moved, as many of them found work in the local area; and that if structures were improved, vulnerability would decrease substantially. Affected households were allowed to stay on the land, and no additional land needed to be acquired for resettlement. However, in order to build improved structures, time, money, and human capacity were requisite.

All of the houses affected by the 2008 storm are situated on land that is owned by the Ingonyama Trust. This tenure relationship offered de facto security of tenure in the area for local residents, thus allowing the use of the Emergency Housing Programme for formal housing repair under Situation Category 2 of the Programme. No planning and development approvals were undertaken. To allow for the relatively rapid provision, 'permanent' housing was secured through upgrading of structures rather than strict adherence to the RDP/BNG model of housing delivery.

The materials used to rebuild the houses (the majority essentially from scratch, but some only requiring roof repair) included a concrete slab, concrete blocks, timber, and asbestos roofs. These materials have proven to be extremely durable. Labour was sourced from local contractors, and it was intended that community members participate in the construction process. However, a CLO (community liaison officer) interviewed, reported that skills transfer was minimal, and the use of local contractors lacked coordination.

Figure 4: A typical house constructed through the Emergency Housing Programme.

6. Community participation and engagement

The Programme used the existing community representative structure of ward councillors and Area Development Committees (ADC) to disseminate information about plans and interventions. The ADC was responsible for identifying affected households in each ward, but each ward followed different procedures for identifying and listing affected households. In some wards, affected households contacted the local CLO who entered their names on the list that was sent to the councillor, and then to the municipality. In other cases, ward members and the councillor inspected the area, identifying affected houses. Each councillor managed the issue of accountability differently, which resulted in some wards listing all affected households, while others only listed the most severely affected households (Interview with Project Manager, April 2011).

One of the project managers asserted that the lists of affected people were provided by councillors who answer directly to the ward committees (Interview with Project Manager, April, 2011). According to the municipality, an official field trip was undertaken to conduct an assessment to ascertain the validity of all claims.

However, it appears that some houses were built for people who were not affected or minimally affected by the storm. It is not clear how this happened, but it is one of the risks of not verifying the validity of all claims. As a result, there were insufficient materials to assist all households. Some were turned away towards the end of the process when the budget was exhausted, while others were turned away for not contacting the CLO within the timeframe stipulated prior to submitting the list to the councillor. These people are now renting or living in the remnants of their old homes. Some have managed to rebuild their houses meagrely, though many are unable to afford renovation. This process highlights the importance of using the Emergency Housing Programme to channel limited resources to the most affected first, albeit that the entire area might be vulnerable and at risk.

According to one of the community representatives, the process of information sharing appeared to be a 'one way street' where decisions were taken without the input of the community. Community members lodged complaints with the CLOs who carried this burden, enabling some degree of influence. Certain CLOs received threats from affected people who asserted they had no voice in the process. Community members generally felt that they were told what was going to happen, rather than requested to participate actively in the process. Some were allegedly not informed that they would receive houses, and cleared their sites expecting builders to arrive, who never did.

Most people interviewed, reported that they would have asked for an intervention that spread resources thinner and could have impacted more households. While the municipality claimed to have attended to all damaged houses, CLOs reported that the funding ran out, and they were burdened with informing people that no more houses would be built, despite promises.

7. Oversight and accountability

The rebuilding of formal housing amounted to R54 million, of which the municipality had to bridge from a municipal fund. In 2010, R19 million was still to be recovered, pending further negotiations with the provincial government. By March 2011, R6 million was still outstanding, and the municipality is facing audit charges to account for spending. This encumbers the municipality's ability to continue to respond immediately, as they do not have the capacity to enable bridging finance.

The provincial government requested proof of all EIAs (Environmental Impact Assessments), engineering designs, land availability agreements, beneficiary approvals, and BEE (Black Economic Empowerment) status. However, in the absence of planning procedures, release of funding for the project from the provincial government was delayed.

The issue of monitoring and compliance is therefore linked to the ability of provincial and local government to effectively communicate and align during emergency situations. In the KwaMakhutha case, the municipality only consulted the Province after the interventions took place. Provincial government, in an attempt to monitor spending and ensure that funding is not unaccounted for or used erroneously, has created a set of mechanisms that delayed the release of funds to the municipality.

It is important to note that the only role of the KwaZulu-Natal provincial government in the Emergency Housing Programme in relation to eThekwini Municipality is with regard to the release of funding for emergencies. Therefore, this process should be streamlined while maintaining integrity and accountability. This proves to be challenging, as currently there is no post in the provincial government assigned to dealing with emergency housing.

Figure 5: View of a hillside area devastated by the storm.

Key lessons learned

1. This case study highlights the fact that the vulnerability of the affected community was known prior to the 2008 storm. Waiting for the emergency situation in order to address this issue, was expensive and stressful for the affected community, and the implementing agents. Therefore, government should have taken proactive measures to address vulnerability.

2. The use of the Emergency Housing Programme as a substitute for the existing Rural Housing Programme was shown to be problematic, as it was challenging to manage and implement the project through the Emergency Housing Programme. The choice to repair and reconstruct formal houses that are meeting (if not exceeding) RDP standards for the majority of affected households, is expensive, and allows for the circumvention of necessary applications and procedures.

3. Institutionally, it is imperative that provincial and local government have prior agreements and a shared understanding of the necessary procedures (assessments, applications, standards, and so on) to be followed in order to access funding more rapidly. Reaching these agreements during the aftermath of emergencies has proven cumbersome. Moreover, it is vital for the municipality to have clarity on the necessary procedures in cases where the local government secures bridging funding with the objective of recouping funding from the provincial government at a later stage.

2. JADHU PLACE CASE STUDY

Informal settlement fire emergency housing situation

1. Introduction

This case study was chosen to highlight the 'everyday need' for a programme dealing with emergency housing in the context of a city that struggles to address the vulnerability associated with informal settlements due to limited capacity and resources to act proactively. Jadhu Place demonstrates the generic problems faced by any municipality that is home to high-density informal settlements, and the response offers insight into appropriate action amid contextual constraints.

2. Location

Jadhu Place, established in 1989, is located within Springfield Park, approximately 15 km north-east of the Durban Central Business District. Unemployment in the settlement is high (70-80%), despite the area being well-located (eThekwini Municipality, 2008). According to community representatives, employed residents are able to access employment by foot or by accessible, low-cost public transportation.

The surrounding area is wealthier, and the residents accept the proximity of the informal settlement. Home owners in the surrounding area have put pressure on the municipality to make improvements in Jadhu Place, and have offered to assist financially in the building of formal structures for the residents. This positive relationship has offered a unique opportunity to upgrade the area without spending time and resources on relocation or cumbersome court battles.

Figure 6: Jadhu Place – Springfield, Durban.

3. Vulnerability

Like many informal settlements, the area is known for small scale fires during the dry season due to the high dwelling density of the settlement, and the choice of materials used for building. The first fire, in 1992, destroyed 20 shacks, and residents inevitably rebuilt the structures themselves. Community members were resourceful using local timber and natural materials found in the vicinity to restore their houses to their previous condition. The community joined forces to assist the 20 households with rebuilding, demonstrating strong social networks and internal resilience.

At the time of the major fire in 2008, there was no formal project planned for the area, and the settlement was considered as part of the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Bill, 2006 (eThekwini Municipality, 2008). Project Preparation Trust, the consultant for the Jadhu Place prefeasibility study, puts forward a number of reasons for the community's vulnerability to fires. One reason is that the area does not have electricity reticulation, and therefore households use paraffin, which presents a particularly high fire risk on windy days. Another reason is that some residents make illegal connections that are precariously installed and hazardous (Anton Aiello Consulting, Feasibility Study, 2009). The devastation from informal settlement fires in Jadhu Place, and across the municipality has been overwhelming, especially in terms of damage to property and lives lost (eThekwini Municipality, 2010). The case study of Jadhu Place is not an anomaly. The events leading up to the major fire provide a typical example of the compounded risks associated with life in informal settlements where densities are high and electricity connections are precarious and self-constructed. Those affected often lose everything that they own and are rendered homeless.

4. Emergency event

In 2008, a massive fire broke out in Jadhu Place that left 600 households homeless on the night of 19 April. Prior to this incident, fires were common (between four and six per annum), and government intervention was minimal. This fire, which affected nearly half of the settlement with a population of approximately 1,200 (eThekwini Municipality, 2008), was the beginning of an on-going relationship between the Jadhu Place community and the eThekwini Municipality.

The Emergency Housing Programme was called upon for support, as the internal coping mechanisms of the community could not withstand the degree of shock and stress due to the loss of homes and possessions. Household income levels in the community were estimated to be between R0 and R1,500 per month, suggesting that affected households had insufficient funds to rebuild their houses without government support (eThekwini Municipality, 2008). The municipality identified shelter provision as the first and most essential component of the recovery processes, acknowledging that there would be a delay before 'proper placement in subsidised housing' could be achieved (eThekwini Municipality, 2008:2). Thus, interim *in situ* housing was offered, and the municipality called upon Disaster Management to supply blankets and food to affected community members.

While this process was underway, affected households were accommodated initially in a large communal tent, with the crèche located on the outskirts of the settlement. Some people remained housed in the tents for almost a year, while others took it upon themselves to rebuild their shacks along the edge of the settlement almost immediately. Community leaders encouraged community members to rebuild in locations that would not be used for the building of the transit camps. Community members reported that the communal tent did not allow for adequate privacy; hence, households could not be stopped from temporarily erecting shacks. Within a year, the municipality provided the tools and materials to build *in situ* transit camps, and initiated the land preparation process.

Land was levelled and retaining walls built to prevent future mud and rock slides. Approvals were easy to obtain due to the 'state of emergency' of the settlement. This also marked the beginning of the preliminary assessment process to understand the feasibility of establishing formal housing on the site. These efforts were the first to be undertaken by the municipality and various contractors, to prepare the site for the transit camps.

Currently, 95% of the site consists of transit camps, with only a small number of households still residing in informal dwellings. This is likely to change soon, as recent small-scale fires within the informal areas (affecting between 10 and 20 households) have created pressure to convert the entire site to transit camps. During the most recent fire in the informal settlement, the transit camps were also affected by the fire. This suggests that without converting the entire site, the municipality runs the risk of having to reinvest in areas already converted.

Figure 7: Informal employment in the 'transit camp': Jadhu Place residents disassembling car parts.

5. Implementing emergency housing

In order to make an informed choice and guide the settlement toward a permanent housing solution, additional information was requested from various departments in the municipality on the hazards, risks, and potential of the settlement location. The municipality initiated a prefeasibility study of the area.

Rather than undertaking the cumbersome process of formal planning (including planning and environmental approvals), basic re-blocking techniques were used to re-organise the shacks into rows with firebreaks. Planners from other departments were consulted, and planning principles guided the new layout of the site. Dusty and rocky dirt roads running parallel to the contours allow residents safe access to the entrance of their transit camp dwellings in case of an emergency. These roads are wide enough to allow access to cars, but not to larger vehicles.

Figure 8: View from Jadhu Place: the re-blocking allows for vehicle entry into the transit camp.

To date, there is no electricity in the camp. Those who have electricity, make illegal connections, while others purchase paraffin from the spaza shop adjacent to one of the transit camp structures. Paraffin is suspected to be one of the reasons for continued fires in the settlement. The applications for interim services are still being processed, and might require additional assessments of the area (this will not be a function of the Emergency Housing Programme). The low levels of services in the camp suggest a distinctly different model from the Temporary Relocation Areas where electricity provided through a prepaid meter, is a requirement. This intervention could be seen as a hybrid between a basic starter kit for replacing materials, and the higher-serviced and more structurally durable Temporary Relocation Units.

Servicing of the area included basic sanitation in the form of two ablution blocks with flush toilets (a total of eight – four male, four female) and showers (a total of four – two male, two female). Two community members were contracted to clean the blocks, but lack of monitoring has led to shirking of responsibility, and produced a minor health hazard on the site. The blocks are located at a distance from the settlement, as they are required to be along a sewage line; however, portable toilets provided at three locations allow for easier access from the site. Each area has a cluster of five or six non-flush toilets. The municipality has plans to install interim services in the transit camp at a very basic level, but is challenged by funding acquisition and approval for the upgrade, as it is not clear what funding stream to draw upon.

According to community leaders and residents, the transit camps are an improvement on the shacks that were demolished in the fires. The new block layout of the transit camps consists of row-housing with internal dividers that reduce the spread of fires. However, the materials used are not fire resistant – each household's 30m^2 attached structure is constructed from timber, corrugated iron, treated poles, and insulating material, and are intended for re-use if and when households are moved to formal housing on or off site. Residents complain about the heat retention and insulation causing extreme temperature variations. Notwithstanding, efforts have been made to use materials that are both cost effective and address human comfort, including Masonite sheets for lining and insulation. Residents consider these structures as one step closer to accessing a formal house, despite not knowing when.

6. Community participation and engagement

The municipality decided on the type of intervention without delay, but also without active community participation. However, during the provision process, local and well-established community representative structures were used. Community leaders identified affected households, and provided lists to the municipality in order to draw up a plan for unit allocation and delivery. This proved to be the fastest and most effective method for obtaining names and locations of affected households.

In the wake of the fire, the MEC and other officials arrived at around two o'clock at night to examine the damage and interact with the affected community members. By the morning, an interim plan had been developed that was presented at a community meeting the following day. The meeting was held in the 'public square' where the crèche and primary ablution block are currently located. The square is situated on a higher level than most of the settlement, making the meeting visible so that residents would be aware of the events taking place, and could attend if desired. Municipal field workers gathered details of the affected households in order to make claims of losses. Field workers liaised with the established community leaders to ensure that information was as accurate and unbiased as possible.

Strong social networks exist in the community. This is evident in the support the community members offered one another and in the continual rebuilding of shacks after fires. A development committee, consisting of 12 members, oversees all community matters. The development committee, as representatives of the community, was given the responsibility of conveying information between the affected community and the municipality. Yet, while the committee was brought together to discuss the aftermath of the fire, they were not consulted regarding different options available. In this case, participation was forfeited for fast decision-making. However, government should ensure inclusion of community structures in decision-making processes as far as possible, regardless of the challenge of rapid decision-making required by the emergency housing context, which often impedes active community participation.

7. Oversight and accountability

Realistically, formal housing could not be offered in the foreseeable future, and the municipality chose to erect durable structures that would be an investment toward the temporary safety of the area. Each of the structures cost the City in the region of R25,000 to erect. The municipality provided bridging finance, and is still attempting to recover the costs from the Provincial Department of Human Settlements. The application to the Province requested only R20,000 per shelter, totalling R12,000,000 for the 600 affected structures.

A pre-feasibility study undertaken by Project Preparation Trust determined that approximately half of the site was not suitable for development, and that land acquisition would be a long and cumbersome process because a number of titleholders privately own the land. It is imperative that the municipality continues to manage this process and formulate a permanent solution for the Jadhu Place community, considering that the process of regularisation will require some level of decanting.

The project was fully implemented by the municipality's department of human settlements. Provincial government officials interviewed are still not aware of the project, although they have received the application for grant assistance from the municipality. This suggests that the implementation of emergency housing in eThekwini is often entirely a municipal function.

8. Livelihood support

Crime is not rampant in the area, and the settlement is constantly alive with residents interacting with each other in communal spaces, engaging in livelihood activities such as selling sweets and repairing cars, or helping at the local crèche, and making improvements to houses.

Improvements to houses include painting, extending, and creating shops, demonstrating a desire to invest in the physical space and the community. Most families decorate the interior of their homes, and informally erect additional partition walls to create extra private spaces.

Not only are the social networks within the community strong, but the relationship between the Jadhu Place residents and the surrounding middle-class neighbourhood is also positive. When the 2008 fire broke out, the surrounding residents were consulted. While none of these residents were interviewed directly for this study, both the officials involved and the Jadhu Place community members noted that the surrounding community was content to let the informal settlement stay; as long as their vulnerability was addressed and improvements were made to their living conditions. This relationship put pressure on the municipality to decrease the risk of fires while allowing all of the current Jadhu Place residents to remain on the site.

Additionally, informality has been encouraged by the acceptance of informal additions to the transit facilities, as well as support of informal economic activities. Relocation would have proven extremely expensive, as the closest site possible was 45 km outside of the city. The cost of transporting people to and from employment and education would have been high, and the community informed the municipality that this location would negatively impact the sustainability of their livelihoods.

The use of the Emergency Housing Programme as an approach to informality in Jadhu Place appeared to be realistic and proactive. In this case, informality and informal dwellers were not criminalised, but efforts were undertaken to address the associated risks

Figure 9: Many households in the transit camp have extended their structures to accommodate shops that support their livelihoods.

Key lessons learned

1. Upgrading of top structures with basic re-blocking of informal settlements has proven to be an important instrument for reducing vulnerability in the short-term. The use of emergency housing funding for upgrades to fireproof structures and improve the immediate living conditions of the urban poor, is an effective interim solution.

2. Sufficient information on the vulnerability of the community and their needs must be made available to decision makers who often have to make executive decisions in the event of emergencies. Taking a sustainable livelihoods approach in the provision of emergency housing will facilitate an understanding of an affected community's activities, capabilities and assets. This approach is an important instrument to enable implementing agents and communities to design processes that take into consideration vulnerability and diversity. Importantly, it recognises the changing nature of livelihoods and households in response to shocks and stresses.

3. Transit facilities are generally an upgrade from shack living. However, the importance of location should not be overlooked, and unless suitable land can be acquired, affected households should remain in their desired location to avoid further disruption of livelihoods and social networks.

SECTION 2

Cape Town case study

1. Introduction

The following case study is an example of the use of the Emergency Housing Programme by the City of Cape Town Metropolitan Municipality. This case is unique, as it was the first application of the Programme, and implemented in conjunction with a housing mega-project that also demonstrated the first use of the Breaking New Ground Plan for human settlement development. This case offers insight into the complexities of responding to housing emergencies.

The case study explores government's response to a fire in an informal settlement that was earmarked for upgrade and partial decanting. No suitable land was available for permanent relocation, and consequently, TRAs were created. To date, many households are still living in these areas with no plan from government for attaining a formal solution.

Western Cape

Cape Town

Figure 10: Western Cape Province (orange) with Cape Town highlighted (blue).

2. Western Cape provincial context

The role of the provincial government in the provision of emergency housing in the Western Cape has been primarily that of approving funding applications. In municipalities that do not have sufficient capacity, the Province offers direct support in the implementation of the Programme, such as the provision of tents or marquees to municipalities when need arises. Prior to 2010, there was an official position within the Provincial Department of Human Settlements for dealing with emergency housing applications, but during an amalgamation process, this became joined with other programmes. However, the capacity and expertise still exist, and an official specialising in emergency housing is called upon for all emergency housing enquiries.

In order to fast-track funding, the provincial government undertakes a two year pre-approval process. For the 2009-2011 periods, the City of Cape Town requested R10 million for fire and flood kits, which they are able to access immediately without application procedures, and use flexibly depending on need and context. Provincial government keeps a list of pre-approved contractors who tender to provide the various services needed to implement the Emergency Housing Programme functions, such as materials and labour.

Provincial government has interpreted the policy as an instrument for dealing with emergencies where direct liability cannot be attributed to a liable individual or institution. If liability can be attributed, Province will deny the claim and suggest that the proper route for insurance recovery be taken in civil court. For that reason, while the City is able to submit application for anything covered by the National Housing Code, the Province rejects applications that they suspect are allowing the Emergency Housing Programme to function as an 'insurance policy'. Technical staff from the provincial government is required to conduct site inspections to examine the damage and judge the validity of the claim. Whereas the municipality defines the emergency and suggests the intervention, the Province interprets the policy to ensure that both the criteria for the emergency (an emergency according to the policy), and the response (acceptable response to the emergency as per the emergency housing programme), are legitimate uses of the policy.

3. Cape Town municipal context

The City of Cape Town has used, and continues to use, the Emergency Housing Programme to address homelessness and poor housing conditions by means of repair and temporary relocation. Each emergency housing situation is spear-headed by a project manager from the Department of Human Settlements in the City of Cape Town, who is able to call upon the provincial government if the capacity is insufficient for the scale of the emergency. The majority of the decisions are made by these project managers who are deployed from other housing posts.

Since the first Emergency Housing Programme project has been implemented by the City of Cape Town, there is a legacy of learning associated with the practice of emergency housing provision. The City has experienced difficulties in addressing the Constitutional mandate of providing housing and alternative accommodation as a right to all citizens in the city, while negotiating with the provincial and national spheres over issues of criteria, qualification, and responsibility.

The City of Cape Town has had many challenges in the process of building TRAs. TRAs, despite being costly and attracting bad press, continue to be a form of semi-permanent accommodation for those who do not qualify for Breaking New Ground housing subsidies. At the municipal level, there has been a movement away from calling relocation areas 'TRAs', toward an approach where households are resettled permanently, referred to as 'Incremental Development Areas' (IDAs).

An IDA is a site-and-service area where construction materials are provided to allow for incremental building of houses. The right to shelter is upheld by providing temporary materials for the construction of structures, without empty promises of the delivery of formal houses. More importantly, the most vulnerable households are only moved once allowing them to resettle almost immediately, in order to begin the process of recovery.

The situation in Cape Town is unique in that some of the TRAs are implemented by the Provincial Department of Human Settlements, while others are implemented by local government. The Western Cape provincial government continues to manage the TRAs associated with the N2 Gateway Project. The City of Cape Town remains responsible for the various sites that accommodate those displaced by xenophobic attacks; those with tuberculosis who need special access to facilities; those rendered homeless on a regular basis from fire and flooding; and so on. This division has created a degree of tension regarding streamlining land availability and allowing for transfer of land ownership between the three spheres of government. The issue of competition over land highlights the scarcity of available space for relocation, and the complexity of the relationship between the spheres of government regarding emergency housing implementation.

4. Informative trends emerging from emergency housing practice

4.1. Standards
Both flood and fire kits, and TRAs offered by the City of Cape Town, were held up to scrutiny. While the TRAs generally have now been raised to the basic standards, it is questioned whether these spaces are adequate, dignified and habitable. However, some TRAs are at a standard that is close to, if not better than, some formal housing (i.e. one toilet per house, aesthetically pleasing, and so on). These interventions are costing more than the basic funding amount provided by the annual housing quantum. Subsequently, significantly varied levels of service and quality of TRAs are visible across Cape Town.

4.2. Problems of transitional relocation areas
The existing TRAs present a variety of issues in that they are not temporary; they are unsafe and not well-located; do not offer security of tenure; and do not provide options for permanent placement. Due to the aforementioned challenges, provincial and local government are working together to create a solution that allows for increased options for permanent relocation and incremental development.

4.3. Complex institutional relationships
Several role players are involved in the implementation of emergency housing in Cape Town, often with overlapping responsibilities. These include the City of Cape Town, the Provincial Department of Human Settlements, the Housing Development Agency, and private companies. Invariably, conflicts arise as a result of their overlapping responsibilities, leading to disputes over resources, available land, and authority on project activities.

1. JOE SLOVO CASE STUDY

Informal settlement fire and eviction emergency housing situation

1. Relevence of the case study

It is important to understand that the implementation of the Emergency Housing Programme in the case of Joe Slovo was incorporated into the Breaking New Ground Plan's N2 Gateway national pilot project. The numerous issues relating to the N2 Gateway Project (Joe Slovo, Phase 1), should not be conflated with the implementation of the Emergency Housing Programme, as the project had various irregularities that would not apply to an ordinary Emergency Housing Programme intervention. In this context, the present case study analyses only comments on aspects directly related to the use of the Emergency Housing Programme, and the consequences of such actions. While issues regarding the importance of examining all information do arise, these findings are not deemed useful to inform future Emergency Housing Programme interventions.

2. Location

The Joe Slovo informal settlement is located adjacent to the N2 freeway on the buffer strip to the south and east of Langa. According to most residents, the settlement was established in 1992 at the intersection of Vanguard Drive and Washington Street, and rapidly expanded westward along the N2 freeway.

It is one of the first informal settlements that developed close to the historic border between the black and white population boundary of the city. The Joe Slovo informal settlement grew rapidly due to its good location within the city. In 1996, there were 1,195 dwellings in Joe Slovo, and by 1998, it had grown to 2,153. By 2000, the settlement consisted of around 4,300 dwellings – a 260% increase within four years.

Figure 11: Map of Cape Town indicating Joe Slovo, Delft and TRA 5 and 5.1.

3. Vulnerability

The rapid growth and densification of the Joe Slovo informal settlement resulted in an increased fire risk, among other public health concerns. By 2000, the 4,300 dwellings were concentrated in an area of 30 hectares, resulting in a density of more than 140 dwelling units per hectare (gross) – probably the densest settlement in Cape Town at the time.

The Joe Slovo informal settlement is adjacent to the overcrowded hostels area in Langa, where shacks were, and still are, crowded in between the old hostel blocks. The City of Cape Town's Hostels to Homes Project was in the process of redeveloping the hostel blocks into family units. However, the redevelopment process progressed slowly, and movement of people from the overcrowded hostels area continued into the Joe Slovo informal settlement.

The City of Cape Town's Disaster Management Department and Ukuvuka Operation Fire-Stop launched fire prevention campaigns during 2000. During this time, 5,000 fire education and awareness kits, including buckets and whistles, were distributed in the Joe Slovo informal settlement, and volunteers were trained in putting out small-scale fires. Nevertheless, on 26 November 2000, a major fire in Joe Slovo resulted in the destruction of 950 dwellings. The density of the settlement restricted access for fire engines and contributed to the severity of the fire.

The settlement remained overcrowded, despite re-blocking campaigns. By 2003, there were 5,451 dwellings in Joe Slovo informal settlement, with 1,200 toilets and 21 communal standpipes (City of Cape Town IDP 2004-2005). The City of Cape Town attempted to persuade residents that shacks should be built at least 3 meters apart in order to reduce the risk of fire spreading rapidly from shack to shack.

In September 2004, government announced the redevelopment of Joe Slovo as part of the N2 Gateway Project, with architect's impressions showing Joe Slovo informal settlement redeveloped with three- and four-storey blocks of flats. On 2 January 2005, the National Department of Housing issued an official statement: 'Work on N2 Housing Gateway Lead Project begins' (National Department of Housing, 2005: 1) Two weeks later, on 15 January 2005, another fire broke out in Joe Slovo informal settlement.

4. Emergency event

On 15 January 2005, a fire in the Joe Slovo informal settlement and adjacent hostels area in Langa rendered at least 12,000 people homeless. The fire was declared a provincial disaster, and the various government line functions aided with services. This was the first application of the Emergency Housing Programme.
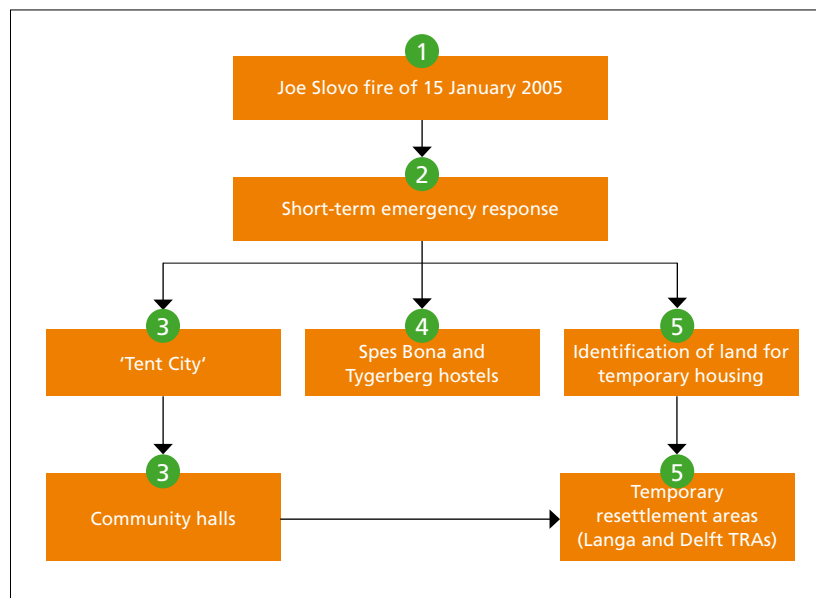

Figure 12: Diagram of disaster and emergency housing response (DAG, 2005).

Most of the displaced households secured their own accommodation with friends and relatives, but emergency shelter had to be provided for the remaining 2,500 people. This was in the form of clustered communal tents that became known as 'Tent City'.

The original plan for the redevelopment of Joe Slovo informal settlement had always included a Temporary Relocation Area consisting of temporary houses and communal services. After the fire, this process had to be hastened and expanded to accommodate the thousands of informal settlement dwellers rendered homeless. After a number of sites in Epping and Langa were rejected by surrounding communities, two sites, one in Langa and one in Delft, were eventually identified for the location of the TRAs.

By the end of June 2005, everyone had been moved out of Tent City, and after provisionally staying in community halls, began moving into the temporary houses provided at the Langa and Delft TRAs.

5. Implementing emergency housing

The large number of people left homeless by the fire needed shelter, and several sites had to be acquired for relocation. This process took time, and interim locations became necessary.

The City of Cape Town first negotiated an agreement with the principal of Isimilela Comprehensive School (adjacent to Joe Slovo informal settlement) to use the school site for temporary housing, as was the case with the 2003 fire in Joe Slovo. This was a temporary solution to the issue of accommodation, but was the most effective for providing immediate shelter within close proximity to the original location of the settlement.

Immediately after the fire, nine sites in Langa and two in Epping were identified for temporary housing. These sites totalled approximately 293 hectares, and were sufficient for accommodating all 3,150 displaced households. All of the formal procedures were followed for the proposed site in Epping. As required by the Environmental Conservation Act, notices were placed in newspapers notifying of the City's intention to use the two pieces of land in Epping for provisionally accommodating displaced households. Approximately 1,500 letters of objection were received, and the Epping Industrialists Association and the Pinelands Residents Association appointed legal representatives to act on the matter. It was evident that it would be impossible to use the Epping sites without a drawn-out court battle, and the plan was discarded.

Strong resistance came from Langa residents who objected to the use of any vacant land in their area for the provision of temporary accommodation. Following negotiations, the City obtained the use of an Intersite property formerly used as a hostel for railway workers (Intersite is the property management arm of Transnet). The site had been vacant for a while, with only the steel frames of the hostel buildings still intact. It was estimated initially that it could accommodate 270 structures, but this was subsequently revised upwards, and 600 temporary houses were erected on the property.

The land in Delft for temporary relocation purposes was finally agreed upon. However, this land was earmarked for low-cost housing, with no possibility for in situ development. The land acquisition process was not fast-tracked, as the mechanism to do so was yet to be designed - the ability to collapse the EIA and the LFTEA (Less Formal Township Establishment Act) processes was only designed at provincial level in 2009.

Figure 13: Central open space of the Intersite TRA in Langa.

6. Establishing temporary relocation areas

The establishment of the original sites on the Intersite property in Langa and in Delft both utilised the LFTEA, although people were moved prior to completing the process. Only a basic environmental scoping was needed, as this took place before the NEMA (National Environmental Management Act) regulations were put into effect. In the case of the transition to formal housing, a great deal of planning was required as part of the incorporation of the N2 Gateway Project.

The TRAs in Delft and Langa consist of a large number of houses closely packed together in a grid pattern to allow for easy, yet minimal, service delivery. When the first households moved to Langa, there was no electricity, despite the fact that households who were moved first, were the most vulnerable. Electricity was eventually installed in the four TRA sites (Intersite, and TRA 1, 2 and 3). The structures in some of the TRAs have electricity, although reports from officials suggest that the process of service provision is seen as difficult and problematic. By mid-2011, TRA 5 was still without electricity, with plans for services underway.

Figure 14: New ablution facilities in TRA 5.

Services such as communal standpipes and communal ablution blocks (toilets and showers) are provided in all TRAs. The TRAs are subject to the national standard for service provision, namely, one tap per 25 families within 100 meters. Nevertheless, services in the TRAs are in various states of disrepair.

The structures erected in the TRAs differ from typical RDP housing projects in that the houses are smaller (24m^2, as opposed to the minimum RDP house size of 30m^2); there are no individual plots or individual title; and there is a lower level of services. However, the structures are often larger than the shacks where households previously lived.

A combination of materials was used for the Intersite TRA in Langa. Managers at the time described the process as a testing ground for different transit unit options. Pre-cast concrete models, corrugated iron houses, and wooden panelled 'Wendy Houses' were used. In the Delft TRAs, a mix of different types of houses were provided, including Nu-Tec corrugated fibre cement houses and Wendy Houses which had been discontinued at the Langa Intersite TRA. Some of the Wendy Houses were provided with thermal insulation, but this was discontinued due to budget constraints. There was widespread dissatisfaction with the Nu-Tec fibre-enforced cement houses, also called 'asbestos homes', as they were perceived as a threat to respiratory health due to the lack of insulation and type of materials used. There is no clear consensus on what material was most effective, as issues with failed delivery on contracts and poor workmanship beleaguered the trial process.

TRA 5, the more recent TRA, utilised compressed 50mm flame resistant polystyrene bonded on both faces with one part polyurethane adhesive to galvanised sheets (Chromadek). A damp-proof course membrane was supplied for effective insulation, as well as fibre cement boards. Two large aluminum windows allow for improved cross-ventilation in the unit. Protective thresholds were added to reduce wear on flooring material. The floor heights have been increased aiding to reduce the risks of water ingress and flooding .

Figure 15: Typical units in TRA 5, Delft.

7. Community participation and engagement

7.1 Information flow

The decision-making process regarding the emergency response took into account only minimally the needs of the affected households – choices were made and community members were informed without notice. The cause of much of the anger and frustration was expectations that the affected households would be able to move back to Joe Slovo after construction. This did not materialise.

With no clear plan of action for relocation or a permanent solution, it was difficult for the affected households to maintain hope and trust in the government agencies. Trapped in hostels, tents, and distant TRAs, many felt powerless in the choices made about their temporary and permanent relocation.

7.2 Community structure

The first community representative structure was developed out of the existing community structure in the Joe Slovo informal settlement. This allowed for the preservation of existing social networks. However, issues arose because the fire did not directly affect many of the representatives. Social allegiances seemed to dominate the decision-making process, and community engagement was limited.

In the newly formed TRA 5, a decision-making body was elected upon arrival of the first relocated households. About 15 representatives were democratically elected, but as more people were relocated to each area, it was impossible to conduct additional elections to accommodate the votes of the newcomers. Hence, the original elected representatives remained.

7.3 Addressing special needs

Households with members who had medical problems and who needed access to medical care in Langa, were accommodated in the two community halls in that area. Other families were accommodated in community halls in Delft and Salt River. Allegations nonetheless exist that there were people with serious medical conditions who were moved to Delft, and that this process was not undertaken fairly.

Affected people required transportation for traveling from the relocation site to employment and education opportunities. Once on site, bus routes were established to take residents from settlements (hostels, TRAs) to work and school. This was later limited to transportation to Langa only, and eventually completely discontinued. Students still had had access to a school bus for a few more months until transport was replaced by the city bus service within normal routes and timetables.

7.4 Addressing perceived unfairness

A large number of people faced homelessness after the Joe Slovo fire, and it was challenging to maintain records of all those affected and in need. People who moved in with friends and relatives did not participate in the community engagement process, and were not accounted for in the temporary housing allocations. After some time, people thus affected emerged frustrated that they had not been given permits to access and occupy the temporary settlement areas, and occupied the half-built TRAs of the Langa Intersite property. Eventually, 54 households illegally occupied units in the Langa TRA. After obtaining an eviction order, the City of Cape Town evicted these households and relocated them to the Delft TRA.

Government's plans to accommodate fire victims in two vacant hostels owned by the provincial government and the Tygerberg Hospital, aroused opposition from residents of all neighbouring communities. Residents and representatives of these communities highlighted the need to address the existing housing backlog and the increasing frustration of residents, before moving the displaced households to the area. When a group of Joe Slovo informal settlement residents displaced by the fire, visited the hostel on 19 February 2005, a protest ensued led by Ravensmead residents who live in backyard shacks and had been on the housing waiting list for 20 years or more and (who were) furious that people from another area are being housed ahead of them. The Ravensmead marchers rushed toward the Joe Slovo residents who had arrived in a minibus, shouting 'Go, get out, there is no place for you here' (DAG, 2005:25). The provision of high quality temporary houses and basic services to informal settlement dwellers displaced by the fire

led to a strong backlash from those living in backyard shacks for years with little prospect of ever accessing a formal house. Additional issues surrounding applicants and qualifications emerged regarding the use of hostels for temporary relocation.

Overall, the Joe Slovo case study highlights the issues of perceived queue jumping in the case of emergencies and the various tensions that arise when the surrounding, receiving, and affected communities are not involved in the process. In projects with high levels of resources, this type of competition is common and must be carefully managed.

8. Oversight and accountability

The budgeting and funding for the N2 Gateway Project (and thus the production of formal housing), should not be seen as part of the challenges and issues faced in addressing the emergency housing need caused by the 2005 fire in Joe Slovo. However, several issues arise when the Joe Slovo emergency housing response is incorporated into the N2 Gateway Project. The most important issue relates to the development consortium.

A larger percentage of the implementation was handed over to the consortium to manage, as the development of the N2 Gateway required bridging finance and a range of skills. While a complex tender process was undertaken, it appeared that the consortium, who won the tender for the project, was chosen based on political volition. Many of the choices relating to the implementation of the emergency housing were undertaken by the consortium and not by housing officials, rendering numerous records inaccessible. Moreover, it is doubtful whether choices were made based on public interest, given that the consortium functioned as a business rather than a public body. To date, the sites on which the TRAs are located can only be developed by the consortium. Therefore, both development and costs to maintain the facilities cannot be renegotiated, and the contract remains binding.

It is estimated DAG (2005) that the cost of providing assistance to people displaced by the Joe Slovo fire, was at least R65 million. This is equivalent to more than R20,000 per household, if all households displaced by the fire were taken into account. In reality, however, most households found their own accommodation and were not assisted. For instance, if only the 1,850 households to be accommodated in the Langa and Delft TRAs were taken into account, the cost would amount to approximately R35,000 per household. Importantly, almost all of the direct expenditure was provided by the provincial government - around R46 million by the Department of Local Government and Housing, and about R14 million by the Department of Social Services and Poverty Alleviation. Cost estimates for the emergency housing units (excluding tents and marquees used as the disaster response) varied from R15,000 to R25,000 per unit, assuming an average cost of R20,000 per unit for the 1,850 units. In addition, it was estimated that the preparation of the Ikhwezi hostel site amounted to R2.65 million, most of which would not have been recovered from the Emergency Housing Policy funding. It should be noted that this does not cover all costs – numerous hidden costs such as the time of officials, the metro police, social workers, and others, should also be considered. Municipal funding toward the response to the Joe Slovo fire seems to have been almost non-existent. The only funding source under the City's direct control was the Mayoral Disaster Fund which consisted of donations. In the words of one official report, City officials were sometimes forced to 'borrow and scrounge funds and resources' (DAG, 2005:34).

The development of minimum standards regarding structures, materials used, plot sizes, sanitation, water, safety and security, electricity, and social conditions relating to health and welfare, formed part of the Joe Slovo Constitutional Court case. This case set out the criteria for the relocation of evicted fire victims, and was the first document to state clearly how relocation should take place vis-à-vis planning procedures and community engagement.

The Joe Slovo case study does not offer a best practice example of monitoring and compliance. In the initial phases of the project, when the City of Cape Town was still the implementing authority, the Province reviewed all plans for the TRAs and relocation, and made suggestions for improved service delivery. However, most of the suggestions were not implemented due to funding availability and accessibility.

9. Livelihood support

The destruction of and strain on a range of social networks during the relocation process are incalculable in terms of monetary value. Undoubtedly, the fire stretched existing social networks beyond their capacity. Many residents who moved in with friends and relatives quickly tired of this dependency and returned to the site of the fire, 'invading' half-constructed temporary structures erected on the Intersite land. This was done in an attempt to demand State intervention. In its response to the fire, government made unrealistic assumptions about the strength and resilience of the community's social networks: it was assumed that people who secured their own accommodation would not need to be accounted for in the planning of the temporary and permanent houses.

Almost 70% of the residents interviewed, reported that their relocation to Delft – an area characterised by low levels of social services, no accessible train stations, and low densities – was unsatisfactory and problematic. Government's choice of intervention that required the continual moving of people from site to site did not take into account the precarious networks that allow the poor to survive by means of informal markets and employment based on strong and intricate social networks. Many of the people relocated to Delft, were not able to survive financially the lost income and employment, both formal and informal.

The majority of residents who moved to the Delft TRA reported unemployment, but stated that they were looking for formal employment, as well as informal employment in extra-legal sectors. More than a third of the residents reported that one or more household member lost their employment since moving to Delft. This was mostly due to being late for work, or the inability to arrive at all, owing to transportation problems from Delft to other parts of the city. Additionally, almost all households reported a change in income expenditure since their move to Delft; most importantly, an increase in transportation cost and costs for paraffin due to a lack of electricity (DAG, 2007).

Key lessons learned

1. Community participation is essential. Transparency regarding the shelter options available to affected households, as well as the outcomes of plans, will contribute to maintaining the integrity of the project and encourage community buy-in. Foiled expectations and failed delivery lead to despair and violence.

2. Roles and responsibilities should be defined. This case study emphasises the problems that occur when there is confusion over the responsibilities of each sphere of government. In addition, it highlights the dangers of using housing mega-projects for formal delivery as an instrument to address the immediate needs associated with emergency situations. It is important that the municipality has a dedicated official who oversees the process at the municipal level. Furthermore, the project manager for a mega-project should not be the same person who is responsible for attending to the emergency. The process of dealing with emergencies and making choices regarding affected households should not be outsourced to a private company or contractor. Alignment between the relevant spheres of government, and between disaster management, emergency housing, and other housing programmes, is essential. However, the very nature of the emergency housing situation warrants a response that formal housing delivery is unable to address. The fact that housing is a human right requires that the City, as an institution addressing public good and welfare, have the final say on how to implement the intervention.

3. The location of relocation sites is critical to the success of the intervention. The resilience of vulnerable communities that were relocated depends heavily on the location of the relocation site, as well as on the duration of the period of relocation. The location must be adequate in terms of a number of basic standards, and suitable in the opinion of the affected community.

4. The choice of land for relocation failed to take into account a number of key issues. Firstly, while the Emergency Housing Programme does not differentiate between qualifiers and non-qualifiers, the national housing subsidy programme cannot be used for non-qualifiers, and other permanent formal programmes will have to be called upon. Therefore, relocating households who do not qualify for subsidised housing to sites that are earmarked as such, will cause conflict. In addition, the land acquisition process did not take seriously the importance of location pertaining to services, social networks, and employment opportunities, as essential for the survival of the urban poor.

5. Standards for building and community engagement were set out by the Joe Slovo Constitutional Court case. These standards set a precedent for how relocated citizens should be treated; the physical infrastructure needed for a Temporary Relocation Area; and the necessary rules for community engagement. This case is vital in that it allowed for the eviction of those who illegally occupied half-built TRAs, to be relocated to alternative accommodation within the standard prescribed in the Joe Slovo Concort case.

6. Temporary relocation without a permanent plan runs the risk of being precarious. When plans are not formulated for permanent housing solutions, affected households can become 'trapped' in Temporary Relocation Areas, living in conditions that are below the formal housing standards, and distorting the supply and demand for housing at a city-wide level.

SECTION 3

Johannesburg case study

1. Introduction

The City of Johannesburg, by nature of its size and role in the South African economy, experiences unique urban patterns and trends that affect the provision of emergency housing and other forms of housing in the city. The municipality is currently in the process of resolving a number of court cases that will set precedent for the relationship between the local government and the provincial government, and for the social contract between the City and evicted people. Therefore, this case study is considered 'work in progress', and an example of the legal and socio-economic rights-based struggles that implementing agents face in addressing emergency housing situations.

Figure 16: Gauteng Province (orange) with Johannesburg (blue).

2. Gauteng provincial context

According to the Provincial Department of Human Settlements, many informal settlements in Gauteng are located on land that is privately owned, while others are located on land that is dolomitic. This poses a major issue for the human settlements departments at both the municipal and provincial spheres, as alternative accommodation must be secured or sites rehabilitated for residents evicted from private land or living on unsuitable land.

In the 'Gauteng Housing Delivery, 2004-2009' brochure, the Provincial Department of Human Settlements cites several uses of emergency housing (although not necessarily the Emergency Housing Programme), including addressing unsafe living conditions, and households living in the way of services. With reference to an example of the latter, the Province stated that 'the construction of new roads resulted in the relocation of approximately 350 shacks to the transit camp, which falls within the road reserve. This also entailed the development of the transit camp, with VIP latrines and stand taps. The transit camp is currently being extended'(pg 16) However, in reality, the Gauteng provincial government does not play an active role in the provision of emergency housing, providing neither support nor funding for projects and interventions.

It is not clear why the provincial government is unwilling or unable to fund the Emergency Housing Programme in any way, but one reason may be that the Provincial focus on hostel upgrading and other housing priorities is exhausting the budget for emergency housing, and no funds have been prioritized or allocated for the Emergency Housing Programme. Discussions are underway between the courts and the three spheres of government to ascertain why funding has not been set aside for emergencies, and to agree on a workable solution.

3. Johannesburg municipal context

Johannesburg has unique characteristics that make urban management particularly challenging. As the largest city in South Africa, and a major economic hub, the reputation of the city as a place of opportunity and historic oppression has led to the creation of an ethnically diverse population, and high levels of civil society advocacy. The City of Johannesburg has an historical reluctance to fund emergency housing from its own city budgets, which has resulted in the city being tarnished by a number of court cases.

Without the financial support of the provincial government, the City of Johannesburg struggles to meet the mandate for housing set forth in the Constitution and the PIE Act. Rights-based legal groups actively engaged in housing-related issues often advocate for standards for relocation that the City finds beyond their financial capacity or will to impose. However, the Blue Moonlight Case, which is addressing a community evicted from a private building in Johannesburg's inner city, has begun to shed light on and clarify the City's responsibility to accommodate residents evicted from government and private land and property (SERI, 2011). Further progress on the case will elaborate the need for the City to accommodate residents through its own resources where possible, and in the event of the Province being unwilling to release funding.

It is possible that the reluctance of the City to house evicted people, stems in part, from a trend to reclaim degenerated inner-city buildings and evict tenants, which poses a major challenge for the municipality to manage. Reclaiming these buildings from 'hijackers' who took over property when owners fled the city centre, represents a slow rebirth of the area. However, it could leave hundreds of tenants homeless – and the municipality has the responsibility of addressing the issue of evicted residents. Moreover, the City experiences low levels of responsibility from building owners and land owners; of whom some have been illegally demanding rents from the squatters

while allowing the buildings to fall into disrepair. The City of Johannesburg is awaiting the final outcome of the Blue Moonlight case for a more definitive mandate. Thus far, case law has made the municipality responsible for the evicted tenants.

It is important to note that the City has categorised all its informal settlements in an effort to determine which settlements need to be relocated and which ones can be upgraded. This information greatly assists decision makers in emergency situations, and offers proactive guidance to City officials to aid in avoiding emergency housing situations.

As a solution to the obvious lack of housing opportunities in the city centre, and desire to realise the 'right to the city' for urban dwellers, the municipality is currently in the process of developing a 'ladder' of housing options that is flexible and incremental. The municipality intends to create transitional housing in old buildings through high-density rental accommodation, and has compiled a list of all available free and low-cost housing opportunities for temporary use in the city by people in emergency situations. The City is requesting its legal department and the courts to consider involving the municipality in the eviction process to ascertain the status of the evictees and to audit the affected people. This will enable the municipality to make a range of housing choices available to evicted people, rather than offering only a TRA or transit camp as alternative.

4. Informative trends emerging from emergency housing practice

4.1 Community engagement

The City needs a framework for emergency housing that stipulates how community participation should be undertaken. The framework should contain specific guidelines that offer suggestions for community participation and engagement, and interpretation of two important court cases, namely the *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v. City of Johannesburg and others and Residents of Joe Slovo Community Western Cape v. Thubelisha Homes and Others* in the context of emergency.

4.2 Clarification of authority and role

The framework should clarify the authority and role of the City, i.e. implementation of emergency housing; the developmental role of the City; and who should make decisions regarding emergency housing. The framework must clearly set out how and when the City should respond to emergencies, based on context and resources. In addition to defining authority, it is necessary to clarify who is responsible and how accountability can be achieved. This is applicable in the case of the provincial government providing funding, and when private property owners abuse the policy after years of neglect and shirking of responsibility.

4.3 Need for legal clarity

According to the municipality, judges have not been applying the same standards to all cases, and outcomes appear ad hoc. The City is therefore continually engaged in court battles. There is no precedent to address this issue at such scale, and the court's mandate must be feasible for the municipality to implement.

4.4 The need for a pro-poor approach

Addressing emergency housing appears to be carried out only when strictly mandated. There is a general reluctance on the side of government to find solutions to emergency housing situations, unless political and economic pressures are applied (such as cases where the court has mandated or the land is required for other uses). Additionally, land rehabilitation (to avoid relocation) is rarely considered; instead, transit camps of a semi-permanent nature are constructed.

1. PIKITUP CASE STUDY

Unsafe location emergency housing situation

1. Relevence of the case study

The Pikitup case study relating to Marie Louise informal settlement is an example of an issue faced by local government on a regular basis. The legal department of the City of Johannesburg receives more than 200 eviction cases per year for which the City should provide emergency accommodation. The Pikitup case study not only demonstrates how the municipality addresses this surge of evictions, but also interrogates issues relating to resettlement and relocation, and problems arising in the absence of an integrated emergency housing policy at municipal level.

2. Location

The site of eviction is located in Roodepoort on the western edge of the city, and according to the municipality, consits of 118 shacks, and just over 200 residents. The site is owned by Rand Leases, and located between the Pikitup dumping site and a privatly owned mine, also owned by Rand Leases. Rand Leases is the applicant for eviction.

Figure 17: Location of Marie Louise informal settlement.

3. Vulnerability

The community of Marie Louise informal settlement currently living next to the Pikitup site sustain their livelihoods by sorting refuse from the Pikitup waste dumpsite. A few years ago, Pikitup informed the Marie Louise residents that the company would commence construction on the site, and that households would have to move temporarily. Most of the informal settlement dwellers were moved to the adjacent property. During this process, a large wall was built around the Pikitup property, falling between the informal settlement site and Pikitup. The Marie Louise informal settlement community expected to move back onto the site after completion of the 'construction', but were obstructed, and were forced to remain on the adjacent land owned by Rand Leases.

The Rand Leases land adjacent to the Pikitup site was declared an emergency housing situation (Gauteng High Court, 2001), and not considered by the municipality as suitable for housing for a variety of reasons, including its location within the flood line; the close proximity to a landfill, mine dump, and water body; and the fact that the adjacent site produces material for road surfacing. As a result, the site cannot be developed for low income housing. A press release by the Social and Economic Rights Institute (SERI) who represented the clients in the court case of *Rand Leases Properties v Occupiers of Vogelstruisfontein and Others*, states that 'the living conditions on the property are appalling, with no access to water and sanitation, and an imminent risk of flooding' (2011:1). For these reasons, interim upgrades were required until relocation was possible.

Rand Leases filed an eviction order, putting forward the above reasons why the community could not remain. Therefore, while the eviction was the primary trigger for the use of emergency housing, proactive responses to the hazardous conditions of the site would also qualify as emergency housing criteria.

Figure 18: Residents sort refuse from the Pikitup site informally.

4. Emergency event

In the court judgement *Rand Leases Properties v. Occupiers of Vogelstruisfontein and Others*, the eviction of the occupiers was granted and the City was mandated to install interim services on the site of eviction, and find alternative land and accommodation within 18 months. This was not a case in which an immediate disaster response was required. The municipality is currently in the process of identifying a new site, and negotiations are on-going. In the short-term, the community continues to occupy the private land, and basic services have been provided, including water tanks and portable latrines. Even though the eviction order was granted, Rand Leases has agreed to allow the community to continue occupation of the land until October 2012. The City of Johannesburg consented to all conditions.

Figure 19: Interim services on the site of eviction.

Figure 20: existing shacks on the site of eviction.

5. Implementing emergency housing

The proposed site for resettlement is located in proximity to the site currently inhabited, and adjacent to an unused rugby club. It is well-located along a major transportation route proposed for future IRT (Integrated Rapid Transit). This proposed location is already owned by the municipality, and is currently occupied by a small informal settlement. There is, however, still space on the site for households that need to be relocated.

Planning procedures are underway, despite the municipality being the land owner. Throughout the planning process, the City is experiencing high levels of objections and complaints from neighbours who state that they do not want more poor people relocated to the area. This area is historically considered upper-class, and therefore displays strong NIMBY tendencies. Ironically, the land adjacent to the new site for relocation is owned by Rand Leases, and they are putting additional pressure on the City to find an alternative location. This is a challenging situation for the City, but they continue to manage the process of relocation by addressing all complaints and concerns.

The Emergency Housing Programme offers guidelines for standards of relocation shelter. The City has negotiated with the lawyers of the Marie Louise informal settlement community to find a form of shelter that will be acceptable to both parties. The conditions stipulate that shelter must be water proof; provide protection against the elements; offer access to basic services (including water, sanitation and refuse removal); and must exclude the use of tents. The court order followed by specifying what was meant by 'sanitation', and stating the duration for the provision of basic services. The City was able to provide these services with the consent of the land owner.

Figure 21: A shack in the Marie Louise informal settlement.

6. Community participation and engagment

The Social and Economic Rights Institute represented the evictees and acted as a negotiator between the City, the land owner, the courts, and the community. Upon notice of eviction and relocation, the City of Johannesburg engaged with the community to find a method of enumeration toward relocation. However, due to time constraints, officials from the regional office were responsible for counting of shacks, while the existing leadership structure conveyed information to affected households. The eviction case allowed for a participation process to be undertaken; however, the City did not play the role of mediator, and the needs of the community were represented by their legal representative.

Furthermore, the surrounding community has objected to the relocation process (although the land is owned by the municipality). Rand Leases has objected to the proposed relocation as well, based on the premise that they own land adjacent to the relocation site, and fear decrease in property value.

The receiving informal settlement population continues to grow, despite re-blocking and enumeration undertaken in the receiving community. The City is making active efforts to curb migration into the settlement to ensure that the spaces are reserved for those evicted from the Rand Leases site.

7. Oversight and accountability

The court has ordered that the City of Johannesburg report back to them on service delivery and the identification of alternative land for relocation. As such the oversight and accountability for the project is being undertaken by the court who holds the city to account. The court ordered a structural interdict to ensure that the City complies with the mandate. The housing and legal departments of the City of Johannesburg are responsible for monitoring the implementation process of the project (Gauteng High Court, 2011).

8. Livelihood support

Relocating the community to the relocation area will significantly impact their livelihoods, since their current activities depend on the Pikitup waste dump. New livelihood strategies will have to be considered, as collection and sorting of refuse will not be possible from the site of relocation. Support and alignment with other programmes are vital, especially local economic development programmes. The relatively good location of the relocation site with regard to new employment opportunities is likely to impact the relocation process less significantly.

Figure 22: Site of eviction from Rand Lease property.

Key lessons learned

1. It is imperative that local government exercises care when utilising emergency housing as an instrument to address large-scale evictions, and that clarity is given on the mandate of local and provincial government concerning eviction cases. It is likely that the Blue Moonlight case will be able to offer some guidance in this regard. The mandate of the Housing Code must be explicated and accompanied by funding.

2. The case study demonstrates the importance of cooperation between the municipality, provincial government, rights-based groups, and other relevant government departments. If emergency housing is to be a functional programme that effectively transitions vulnerable people from emergency housing situations toward permanent solutions, cooperation is imperative.

3. Housing must be seen in relation to other social and economic rights, including considerations relating to livelihood strategies, services, and opportunities for citizenship.

4. Most importantly, the case study demonstrates the profound challenges associated with the provision of housing, and especially emergency housing, in a city with high socio-economic inequality. Several key issues highlighted by this case relate directly to the high levels of disparity and inequality in the city and NIMBYism in the planning and implementation process.

SECTION 4
References

The information underpinning these case studies is for the greater part based on interviews with relevant officials in the various human settlements departments, as well as with community representatives and residents affected by the emergency housing situations. DAG visited each of the case study sites to obtain information. In most cases, officials of the provincial and municipal departments of human settlements and project managers at each site were interviewed. In all cases, focus group discussions were conducted to discuss the key lessons learned from the case study.

The following documents were consulted:

• Anton Aiello Consulting, 2009. *Collected Prefeasibility Study of the Upgrading of the Informal Settlement at Jadhu Place.* Contracted by Project Preparation Trust for eThekwini Municipality.

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• eThekwini Municipality, 2008. *Emergency Housing Submission to the KwaZulu-Natal Department of Human Settlements*, Durban.

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• *Rand Leases Properties v Occupiers of Vogelstruisfontein and Others* [2010] Case No. 2010/6182. Gauteng High Court: Court Order, 2011.

• Social and Economic Rights Institute (SERI), 2011. *Case Review: SCA upholds the rights of urban poor in Blue Moonlight judgment.* Report compiled by Kate Tissington and Stuart Wilson. Available at: **http://www.seri-sa.org/index.php?option=com_content&view=category& layout=blog&id=12&Itemid=32** >(Accessed 20/July/2011)

SECTION 5

Frequently asked questions

• Where can I find the full policy for the Emergency Housing Programme?

The full policy can be found on the web page of the Department of Human Settlements: http://www.dhs.gov.za/. Here you will find the full Housing Code. As of 2011, the Emergency Housing Code is listed under Part 4: Incremental Interventions.

• What is emergency housing and what can the Emergency Housing Programme be used for?

Emergency housing is a programme developed to address the constitutional right of South African citizens to access housing. It is intended to address homelessness, eviction, and living conditions posing immediate and serious risk or hazard. The Programme can be used to accommodate households located in the way of development and services (such as pipelines, roads, and others). Emergency housing can be used to purchase and disseminate materials to construct shelter, assist with relocation to new sites, settlement planning, and interim basic servicing.

• Who qualifies for emergency housing funding?

There are very few stipulations concerning non-qualifiers for emergency housing. In the case of formal house repair, households with resources and assets do not qualify for assistance in terms of the Programme. Otherwise, emergency housing funding can be used to address households who do and do not qualify under the housing subsidy scheme.

• Where do I find the guidelines of emergency housing spending?

The annual subsidy quantum will offer guidelines on funding for each component of the Emergency Housing Programme. It is important to note that, although land acquisition is covered by the Programme, the subsidy quantum does not include an amount for land acquisition, as other programmes are better suited for land acquisition.

• Who funds emergency housing?

As a national programme, funding is allocated to provincial government for distribution in cases of emergency where emergency housing is needed. Provincial government should release funding to municipalities in a timely manner.

In cases where the provincial government is unwilling or unable to release funding, the policy states that the municipality must address the situation according to their capacity and capability. This often requires bridging funding or the use of other resources (such as rates) to pay for emergency housing.

• Can emergency housing be used for formal housing construction?

The Emergency Housing Programme is intended for emergency situations, and is not a formal housing construction programme. Unique cases exist where formal house repair and reconstruction are supported. This applies where the home-owner does not have the means to rebuild the house, and deconstruction is due to unforeseen circumstances. The Emergency Housing Programme is not a formal housing delivery programme, but must endeavour to align with formal programmes, and fill in the gaps where such programmes fall short to meet the housing need, leaving households homeless or in dangerous situations.

• Why should relocation be avoided?

Often poor people in rural and urban situations settle in areas that meet their needs and are well-located. While such settlements are informal with a range of health and safety concerns, the location and social networks are usually the basis from which risks are managed. When households are relocated, their social networks often are interrupted and they struggle to rebuild small or informal businesses. Relocation should be carefully managed, with special consideration of the site of relocation and the materials offered for on-site assistance. Whenever possible, permanent relocations to suitable sites should be prioritised.

SECTION 6
Glossary

- **Case study:** A case study is a method of research that allows for in-depth contextual analysis of an event, sequence of events, or conditions. Case studies are often used to provide insight on context specific processes and outcomes.

- **Community engagement:** Community engagement is a process by which community organisations and individuals engage in meaningful relationships with government and non-government actors to work toward collective outcomes that will benefit all parties.

- **Disaster:** A serious disruption of the functioning of a community or a society causing widespread human, material, economic, or environmental losses which exceed the ability of the affected community or society to cope using its own resources (UNISDR, in DMSLP, 2008).

- **Emergency Housing Programme:** The Emergency Housing Programme is a programme provided for in Part 3 Volume 4 of the National Housing Code. According the Housing Code "The main objective of this Programme is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency situations of exceptional housing need through the allocation of grants to municipalities…".

- **Eviction:** According to the PIE Act, eviction is a process or act of removing or preventing a person or community for occupying property or land.

- **Hazard**: A potentially damaging physical event, phenomenon or human activity that may cause injury or the loss of life, damage to property, social and economic disruption, or environmental degradation (UNISDR, in DMSLP, 2008).

- **In situ:** On-site assistance of development, no relocation or resettlement is required.

- **Livelihoods:** Refers to "(p)eople, their capabilities and their means of living, including food, income and assets. Tangible assets are resources and stores, and intangible assets are claims and access. A livelihood is environmentally sustainable when it maintains or enhances the local and global assets on which livelihoods depend, and has net beneficial effects on other livelihoods. A livelihood is socially sustainable when it can cope with and recover from stress and shocks, and provide for future generations" (DMSLP, 2008:164).

- **Relocation/resettlement:** Refers to the process of moving people from a location where they live or lived to a new physical location which may be temporary or permanent. Resettlement often refers to the process of permanent relocation.

- **Temporary Relocation Area (TRA):** This is a site where people are intended to be housed on a temporary basis. The structures are intended for reuse once the affected people are able to return to their reconstructed homes or enter into other formal housing programmes.