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Honourable Minister of Human Settlements, Ms Mmamoloko Kubayi
Department of Human Settlements
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Sunnyside, Pretoria

Via email: Nompumelelo.Madlala@dhs.gov.za

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16 February 2024

Dear Honourable Minister:

Thank you for the opportunity to comment on the draft White Paper on Human Settlements (18 December 2023) and for your willingness to extend the deadline for comments for a further month. We appreciate the space that has been provided to offer input to the Department via multiple consultation sessions last year and now in February, and we reiterate our commitment to working with you to ensure the final White Paper is rigorous, comprehensive, implementable, and visionary.

Organisations that are signatories to this letter are preparing individual inputs based on their respective areas of practice and expertise, for submission by 28 February 2024. However, we are writing to you with a broader concern which we share, that the current draft White Paper is not sufficiently deep, systemic and evidence-based in its overall approach. In order to function as a meaningful White Paper to guide the sector for the next 15-20 years, the document must be informed by an effective analysis of current issues and constraints and from there clearly state strategic direction changes and fundamental reforms to be undertaken in the sector as a whole. While taking an important step in that direction, the current draft does not do this adequately.

Importantly, the WP fails to incorporate the rich store of learning, project experience, research, evaluations and recommendations that have been undertaken over the last 15 years. The WP can and must use these as a starting point so that this knowledge and intelligence is not lost to the sector. Furthermore, it must include international benchmarking, with examples of innovation from Brazil, Colombia and other countries which depict similar environments to South Africa and offer potential experiences for application here.

The document is missing vital ingredients, lacking adequate attention and direction on a number of critical issues. In order to serve as a credible document for implementation, the White Paper must:

- Put forward a **theory of change** that is carefully thought-through, and critically examines what levers have worked and not worked in the last 30 years.

- Address the **shifting role of the state** from developer or provider, to enabler, and how the subsidy system fits within that broader Human Settlements strategy. The recent media engagement on the role of the state underlines the need for better clarity in the document.
- Recognise the **very real growth and development of our cities**, taking into account the changing socio-economic, political and environmental factors, which include but are not limited to new players, new living arrangements and new financial needs, so much more significant than when the original policy was first drafted. This should be informed by a long term projected residential growth demand for cities, with much clearer policy positions and data on inclusive densification, functional availability of vacant land for development, functioning of urban land and property markets, and alignment with infrastructure plans.
- Ask whether the **current division of powers and functions** as stated in the Housing Act and operating in practice is still the most efficient means of achieving human settlements objectives, given government capacity challenges.
- Examine and clarify long-term policy objectives regarding **devolution and the role of cities** in human settlements.
- Emphasise the central role of the **private sector** in affordable housing delivery and a functioning, inclusive residential property market, and specify what government will do to support and promote private investment—at business and household level.
- More thoroughly address the need for **effective funding mechanisms** inside and outside of government and beyond the government subsidy system.
- Recognise the importance of establishing **incremental planning arrangements**, as required by SPLUMA, the persistent absence of which poses a critical barrier to human settlements transformation in less formal contexts such as the incremental upgrading of informal settlements, backyard rentals and rural settlements.
- Recognise the importance of **statutory and regulatory flexibility** in the above informal and incremental contexts, including in respect of such areas as building regulations, land use arrangements, and engineering standards.
- Recognise the importance of alternative and incremental forms of **tenure security** and unpack how they will be applied to enable private household investment, in particular in informal and incremental contexts. This includes providing clear direction on the actual mechanisms and strategies to manage / administer land rights, incremental tenure, and regularisation.
- Acknowledge the role of **backyarding** as an important rental submarket, and the need for government to initiate policy and programme support to small-scale affordable rental developers in township areas and inner-city areas as well as providing services to traditional backyard dwellers.

- Commit to support of **incremental human settlements and housing solutions** pursued by communities and households themselves, including financial and technical support to households receiving interim and basic serviced sites and those who need support to self-build in both in-situ and greenfield contexts.
- Establish solutions to enable more meaningful community participation and more effective **partnerships with civil society**, including grassroots organisations, support NGOs, and academic institutions, noting that long-standing in-principle commitments in this regard have, as yet, failed to materialise in practice.
- Better unpack and address what we need to do differently to accelerate **spatial justice**, including the regulatory and planning reforms aligned with human settlements required to achieve real spatial transformation.
- Align with the principles and imperatives of the **just (urban) transition** and guide the sector in advancing human settlement development and housing delivery that includes climate adaptation, social justice and poverty reduction and that harnesses the economic potential of this transition.
- Specifically address the crisis of **dangerous and dysfunctional buildings** in our inner cities with innovative ideas which include all spheres of government.

We are aware of the plan to ensure the White Paper is in place as of 1 April 2024, but feel strongly that it requires more work to be a coherent, meaningful and acceptable policy statement for the sector. To this end, we implore the Minister not to act in haste and to commit to a process (2-3 months) to revise the document in a substantive way to ensure it does what it needs to do. This can be done by pulling in sector expertise and facilitating a structured conversation on the overall WP framework and theory of change, to develop a more coherent and impactful document.

It is our view that, without this type of comprehensive recast, beyond the incorporation of individual submissions, the WP is not adequate for approval. Thirty years into our democracy and building on the direction given in *Breaking New Ground*, the WP needs to directly address the key decision points we now sit with as a sector, that require hard choices in order to move forward.

In conclusion, we thank the Minister for her careful consideration of this letter and kindly request a response (via the contact details provided above) by 1 March to indicate how our concerns will be addressed. Most importantly, we offer again our commitment to working together to ensure a visionary and powerful White Paper.



Respectfully submitted by:

Afesis

Bellville South Residents Association (BSRA)

Bo-Kaap Civic Association

Built Environment Support Group (BESG)

Centre for Affordable Housing Finance in Africa (CAHF)

Community Organisation Resource Centre (CORC)

Development Action Group (DAG)

Dullah Omar Institute (DOI)

Federation of the Urban Poor (FEDUP)

Informal Settlements Network (ISN)

Institute of Human Settlement Practitioners South Africa (IHSP-SA)

International Association for Public Participation South Africa

International Institute for Public Participation Southern Africa (IAPPSA)

Isandla Institute

Johannesburg Property Owners & Managers Association (JPOMA)

Legal Resources Centre (LRC)

Mitchell's Plain United Residents Association (MURA)

Msunduzi Association of Residents, Ratepayers and Civics (MARRC)

Ndifuna Ukwazi

New Woodlands Ratepayers Association

People's Environmental Planning (PEP)

Planact

Project Preparation Trust (PPT)

SA sdi Alliance

South African Housing Club (SAHC)

South Africa Property Owners Association (SAPOA)

Tenure Support Centre

TUHF

UmaStandi

uTshani Fund

Western Cape Property Development Forum

With endorsements from:

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