

# Provision of Sustainable and Liveable Low Income Human Settlements in the Province of KwaZulu-Natal, South Africa – An Analysis of Policy Contradictions and Challenges

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**ABSTRACT** The provision of liveable and sustainable low income housing in South Africa is a highly contested social issue which has filtered into the new democracy posing major challenges for policy makers, development practitioners and agents. The constitutional rights of all South Africans are protected and the state is required to take reasonable legislative and other measures, within available resources, to achieve the realisation of this right. The establishment of human settlements for low income earners in the South African context implies affordability constraints, especially in respect of access to basic goods and services for low income earners. It is also associated with poverty, limited upward mobility, lack of personal growth and social exclusion. This paper analyses the housing policy context in one of South Africa's most impoverished and politically contested province. It highlights contradictions and challenges facing the province in the provision of sustainable and liveable human settlements for the many homeless and low income earners.

## 1. INTRODUCTION

The provision of liveable and sustainable low income housing in South Africa is a highly contested social issue which has filtered into the new democracy posing major challenges for policy makers, development practitioners and agents. Since the advent of democracy, the constitutional rights of all South Africans are protected by the right for the provision and access to adequate housing. Section 26 (1 and 2) of the Constitution requires the state to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. In meeting this constitutional prerogative, the state has over the years taken various steps to formulate and reformulate policies to honour its obligations to those excluded from adequate housing opportunities especially in the low income housing sector.

The applicability of the concept of low income housing on a sustainable basis in the South African context generally implies affordability constraints, especially in respect of access to basic goods and services on the part of persons or households with low incomes. It also implies a number of conditions associated with poverty such as hunger, dependency, limited upward mobility, lack of personal growth and social ex-

clusion as well as homelessness, poor housing and poor living conditions. Low income households as identified by the Housing White Paper (1994) and the recently introduced Comprehensive Plan for the Sustainable Development of Human Settlements (2004) often referred to as Breaking New Ground (BNG) targets those with a monthly income of not more than R3 500 per month for state subsidised housing (Adebayo 2008:13).

The provision of low income housing is supported by a number of national, provincial and local legislative and policy frameworks which over time has been adapted to meet the changing needs and demands in the housing sector. A key national policy framework formulated in 1994 is the Housing White Paper (HWP) implemented over a decade. It is hailed as the first comprehensive policy to overcome the overwhelming housing backlogs inherited from the apartheid era. Housing is defined in the White Paper as a variety of processes through which habitable, stable and sustainable public and private residential environments are created for viable households and communities (RSA 2004:18) It strives for the establishment of socially and economically integrated communities, situated in areas that allow for convenient access to eco-

conomic opportunities as well as health, educational and social amenities.

In order to achieve the housing vision in the country, the HWP makes provision in terms of Section 126 of the Constitution of South Africa Amendment Act No. 2 of 1994, for provincial legislatures to have concurrent competence with parliament to make laws with regard to all matters which fall within the functional areas defined in Schedule 6 of the Act. Hence, all areas relevant to housing, such as consumer protection, public transport, regional planning and development, and urban and rural development fall within these competencies.

The HWP recognizes that the housing delivery challenge in the country needs to be approached using integrated processes involving co-ordinated and integrated action by a range of players in the public and private sectors. It acknowledges the breakdown of housing processes in the apartheid era as a result of inadequate co-ordination and integration of efforts between the function of housing such as education, health services, transport and local government. Hence, there is a major emphasis on integration and inter-sectorial co-ordination which permeates the planning and delivery of low income housing.

The physical processes of planning and housing are viewed by the HWP as local community matters. The role of the metropolitan and especially local governments in enabling, promoting and facilitating the provision of housing to all segments of the population in areas under its jurisdiction, can therefore not be over-emphasised. Given the apartheid experience of planning and development, the absence of legitimate, functional and viable local authority structures are perceived by the HWP to be potentially jeopardizing both the pace and quality of the implementation of housing programmes. Hence the challenge of housing in the South African context has received careful thought and mechanisms have been put in place for the achievement of sustainable low income housing. But the question one might ask is why some of the challenges present in the actual delivery are so difficult to surmount. In seeking to answer this perplexing question, it is necessary to provide an overview of the housing delivery context in this country.

This paper commences with an examination of the national, provincial and local government

mandate for the delivery of low income housing. Specifically, it reviews relevant policy mandates that seek to set out a housing vision for the poor and the homeless. It also examines the best possible interface between the different tiers of government and related stakeholders in the formulation of sustainable and integrated housing development strategies in the first ten years since democracy. Thereafter, the paper examines some of the challenges facing the delivery of sustainable housing. It then focuses on the changing policy context to fast track the pace of delivery taking cognizance of the need to provide liveable and sustainable housing environments for the poor and the homeless. This section examines the changing policy context to revitalize the slump experienced in the pace of housing delivery which is dubbed "breaking new ground" with the aim of injecting a new sense of vitality into the housing sector.

This is followed by a discussion on the most recent strategic plans formulated by the Department of Housing (DoH) in KwaZulu-Natal to meet the housing challenge. It focuses on the strategies adopted to meet the vision promoted by the changing context of national mandates for the establishment of sustainable housing settlements. Lastly, some of the challenges anticipated by the KZN DoH to maintain the balance between the quantitative dimension in the delivery of low income housing settlements and creating conditions within these settlements to provide the necessary conditions for social cohesion and basic services that impacts on the quality of life amongst these newly formed communities.

## **2. THE NATIONAL HOUSING POLICY FRAMEWORK MANDATE**

The national housing policy framework draws its mandate from Section 6 of the Constitution of South Africa which states that provincial legislatures and national government have concurrent competency to legislate, inter alia in respect of housing, regional planning and development as well as urban and rural development. It is intended that appropriate housing functions and powers should be devolved to the maximum possible extent, to the provincial level. Against this background the National Housing Ministry and the Department of Housing are required to fulfill the following functions in keeping with the White Paper on Housing:

- setting broad national housing delivery goals and negotiating provincial delivery goals in support thereof;
- determine a broad national housing policy in consultation with other relevant national departments and provincial governments, in so far as it relates to: land development and use (especially in respect of State land holdings); land title and registration systems; minimum national norms and standards; national subsidy programmes; fund allocation to provinces; fund allocation to national facilitative programmes; mobilisation of funds for land acquisition, infrastructural development, housing provision and end user finance; and guidelines for the spatial restructuring of cities and towns and rural settlement patterns;
- adopt or promote legislation to give effect to national housing policies;
- establish a national institutional and funding framework for housing;
- monitor national and, (in liaison with provincial governments), provincial performance against housing delivery and budgetary goals, accounting to the national parliament in this regard;
- oversee and direct the activities of national statutory advisory and facilitative institutions, accounting to national parliament in this regard;
- negotiate for the systematic increase of the national apportionment of State budget to housing; and
- account to national parliament for the performance of the sector against set targets and efficiency / effectiveness parameters (RSA 1994:32-34).
- to establish a sustainable housing process which will enable all South Africans to have access to housing with secure tenure, within a safe and healthy environment through viable communities. This needs to be undertaken in a manner that will make a positive contribution to a non-racial, non-sexist, democratic and integrated society, within the shortest possible time frame;
- to promote the participation of affected communities in the planning and implementation of new housing settlements;
- to maximise job creation in the construction and allied sectors (in particular, the involvement of labour based construction and the use of local labour in housing development);
- to provide mechanisms to stimulate entrepreneurial development in creating new housing environments and maximizing the participation of historically disadvantaged communities and emerging entrepreneurs;
- to establish a housing process that is economically, fiscally, socially, financially and politically sustainable in the long term. This requires balancing end-user affordability, the standard of housing, the number of housing units required and the fiscal allocations for housing; and
- to build viable and sustainable communities by recognizing that the responsibility for and affordability costs for long term maintenance and development of housing environments and services is contained in the planning and implementation processes (RSA 1994:21).

The constitutional provision on housing is guided by the Housing White Paper (RSA 1994) which provides the fundamental framework for housing delivery and remains the main policy orientation document. It is supported by the Housing Act (Act No. 107 of 1997) which forms the foremost legislation upon which delivery is premised (Adebayo 2008:12).

Broadly, the housing mandate encapsulates the following key principles around which public housing delivery should take place and serves as a benchmark upon which any housing delivery programme needs to be measured:

The HWP requires that policies, administrative practice and legislation should promote efficient and integrated development. In this respect the Development Facilitation Act (DFA) (67 of 1995) provides for the establishment of a Development and Planning Commission. This statutory Commission is required, *inter alia*, to formulate policy, and administrative practice and legislation with respect to land use planning. In effect, the Commission is charged with the sensitive and long-term challenge of reviewing all planning and related legislation in South Africa with a view to the amendment, repeal and replacement of inappropriate legislation which impeded housing development during the apartheid period. The DFA requires mechanisms to be put into place at provincial and local govern-

ment levels which will ensure co-ordinated planning and budgeting on a multi- year basis between all relevant government stakeholders and the non-state (private) sector. The aims according to the DFA are to:

- promote integration with respect to social, economic, physical and institutional aspects of development;
- promote the integrated and balanced development of rural and urban areas in support of each other;
- promote the location of residential and employment opportunities in close proximity to or integrated with each other;
- optimise the use of existing physical and social infrastructure;
- provide for a diverse range of land uses at all levels (local and regional);
- discourage urban sprawl;
- contribute to the development of more compact settlements, towns and cities;
- contribute to the correction of the historically distorted racial and spatial pattern of South African towns, cities and rural areas; and
- facilitate and encourage environmentally sustainable development (RSA 1995:8).

The Provincial government has a central role to play in ensuring effective and sustained housing delivery. Within the overall institutional and constitutional framework it is envisaged that the following housing functions will be executed at a provincial level:

- setting of provincial housing delivery goals and performance parameters within the context of and in support of national delivery goals;
- determining provincial housing policy (within broad national guidelines), in so far as it relates to: minimum housing norms and standards in the province, developing priorities and programmes, urban and rural development, land identification and planning within the province, including performance criteria, urban spatial restructuring, and rural settlement restructuring;
- monitoring provincial housing delivery and account to the provincial legislature in this regard;
- overseeing and directing the housing activities of provincial statutory advisory and executive bodies, local authorities as well as the activities of provincial facilitative

institutions, and account to the provincial legislature in this regard; and

- liaising and negotiating with the National Ministry and Department as well as national statutory and facilitative bodies in respect of: fiscal transfers for housing to the province, provincial priority status in respect of national facilitative programmes for housing, and national housing policy and programmes (RSA 1994:32).

It is recognized that provincial governments are accountable to the people who have democratically elected them in the provinces for the delivery of housing. A leading role for these governments in enabling sustained delivery of housing in the provinces is envisaged within broad national housing policy guidelines. At the same time, it has to be recognized that the Minister of Housing is accountable to Parliament for overall sectorial performance. A balance between the functions and powers at national and provincial level to reflect these accountabilities is considered vital for success.

The role of metropolitan and especially local government in enabling, promoting and facilitating the provision of housing to all segments of the population in areas under their jurisdiction are part of the national housing delivery strategy. The following housing functions are envisaged to be performed at metropolitan and/or local level:

- setting metropolitan / local housing delivery goals;
- identification and designation of land for housing purposes;
- the regulation of safety and health standards in housing provision;
- the creation and maintenance of a public environment conducive to viable development and healthy communities;
- the mediation of conflict in the development process;
- the initiation, planning co-ordination, promotion and enablement of appropriate housing development;
- facilitating support to housing delivery agencies;
- planning, funding and provision of bulk engineering services;
- provision and maintenance of revenue generating services (if not provided by specialised utilities / suppliers);
- provision of community and recreational facilities in residential areas;

- provision of social welfare housing;
- land planning in areas under their jurisdiction (in terms of laid down performance criteria, possibly at provincial and even national level); and
- regulation of land use and development (RSA 1994:33).

A key tool that municipalities and local governments have to comply with in order to fulfill their developmental role is the formulation of Integrated Development Plans (IDP) as contained in the Municipal Systems Act, 2000. In contrast to the role that planning has played in the past, integrated development planning is a function of municipal management and is part of an integrated system of planning and service delivery. Section 25(e) of the Municipal Systems Act prescribes that municipal and local government plans are compatible with national and provincial plans and planning requirements.

In so far as the KZN Province is concerned, the Planning and Development Act (1998) was assented to in December 2008. The delay in following through the Act was due to changes in the restructuring of municipal government, the regulation of integrated development planning through national legislation, changes in provincial strategic planning and changes on the merging of environmental management and planning legislations. With the passing of the Act, it was expected to provide the Provincial Government with far reaching authority on planning and development matters. Some of the key planning and development priorities addressed by this Act are to:

- promote a uniform planning and development system that treats all citizens of the province equitably;
- provide a fair and equitable standard of planning and development to everyone in the province, while accommodating diversity such as urban and rural needs;
- incorporate and build on good practices and approaches to planning and development which have evolved outside of the formal planning and development system; and
- promote a planning and development system that redresses the historic injustices perpetuated by a fragmented planning and development system inherited from the apartheid legacy (KwaZulu-Natal Planning and Development Act 2008).

In pursuit of coherence in the housing delivery sector, the Housing Act clearly prescribes the principles applicable for housing development, which all spheres of government must adhere to. It defines the housing-related functions of each sphere of government. Provision is made for the establishment of a South African Housing Development Board (SAHDB) and the continued existence of Provincial Housing Boards (PHBs) under the new name of Provincial Housing Development Boards (PHDBs). The main role of the PHB is the financing of national housing programmes, with specific reference to the role of each sphere of government and the procedures that are applicable (Housing Act 1997).

Given the importance and constitutional placement of housing at a provincial level, PHBs are to be established by and are to be accountable to the Provincial Legislatures. In addition to advising provincial governments on a provincial housing policy, these Boards will also deal with the approval of projects in terms of both national (as agents of the NHB) as well as provincial housing programmes. Similarly constituted bodies may also be justified in the larger metropolitan and local authority areas or in rural districts to devolve decision making and funding allocation processes to the closest local level (Housing Act 1997).

In order to deliver on the rights of South African citizens through development initiatives, the Constitution encourages the involvement of communities and community organisations in matters of local government (RSA 1996: 81). The constitution takes a people-centered approach in terms of the manner in which the public service interacts with citizens. The Development Facilitation Act (1995:8) which aimed to fast track development immediately after democracy, made provision for those affected by land development initiatives to “actively participate in the process of land development”. This aspect of the act may be extended to a wide range of situations including the identification of land for housing development. More specifically, the White Paper on Local Government (1996); the Municipal Structures Act (1998) and the Municipal Systems Act (2000) clearly define the level, nature and extent of participation. Collectively these policy documents provide for both, the institutional involvement of the community and participation of community organisations in lo-

cal government matters, as well as consultation with communities through processes such as consultative meetings and public hearings. In this regard the White Paper on Local Government emphasizes the importance of community participation at the local level of government and to this end states that:

*“building local democracy is a central role of local government, and municipalities should develop strategies and mechanisms (including, but not limited to, participative planning) to continuously engage with citizens, business and community groups”* (RSA 1998: 33).

The key document that formalizes public participation at the local level in which mechanisms and procedures for participation are laid out, is the Municipal Systems Act (2000). Chapter Four of the Municipal Systems Act emphasizes that government must contribute to building the capacity of the local community, to enable it to participate in the affairs of the municipality. In this respect, councillors and staff are required to foster community participation by helping to develop:

*“a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose, encourage, and create conditions for the local community to participate in the affairs of the municipality; and contribute to building the capacity of the local community to participate in the affairs of the municipality.”*

The Municipal Systems Act also states that participation by local communities must take place through political structures, and must include any other mechanisms established by the municipality and through councillors. Other areas of public participation in which the public should be included are the preparation, implementation and review of the IDPs; establishment, implementation and review of its performance management system; monitoring and review of its performance including outcomes and impact of such performance; preparation of its budget, and strategic decisions relating to the provision of services. A prescribed form for participation in terms of the Municipal Structures Act is through *ward committees*. These committees are to be chaired by a ward councillor and may not include more than ten other elected persons. These *ward committees* are expected to have representation by women including a

diversity of interests, and the council must provide administrative support for their effective functioning. Its role is to facilitate participatory democracy; disseminate information; help rebuild partnership for better service and development delivery; and assist with problems experienced by people at the ward level (Govender et al. 2007:68).

Establishing ward committees is currently not mandatory for all municipalities. However, legislation makes it mandatory for municipalities to develop mechanisms to consult and involve communities in the affairs of the municipality and its processes. According to IDASA (2002), it would appear that most municipalities have chosen to establish ward committees to comply with this aspect of legislation on citizen participation. Some municipalities have chosen not to refer to community participation structures as ward committees. For instance some municipalities in KwaZulu-Natal refer to these structures as development forums or residents' associations and engage with them similar to ward committees (Govender et al. 2007:71).

### **3. CONSTRAINTS FACING THE PLANNING AND DEVELOPMENT OF NEW HOUSING SETTLEMENTS**

At the conception of the HWP, it was acknowledged that myriad challenges and constraints faced the implementation of an effective housing policy and its implementation. It acknowledged that a wide range of sociological factors are found to militate against housing delivery which includes:

- the emergence of circular migration and dual households;
- volatility of apartheid created hostel accommodation;
- the prevalence of single (often female-headed) households;
- cultural and legal impediments restricting women to housing; and
- traditional land tenure systems (RSA 1994:14).

Added to the above, a high prevalence of social problems in South Africa increased the need for special needs housing, such as old age homes, homeless shelters and frail care facilities.

The White Paper on Housing (RSA 1994:14) recognized that a culture of non-payment for services as a potential constraint. The long-term

viability of the public environment and sustained housing delivery, as well as limited amounts of resources available for new housing provision further exacerbated the housing crisis. Breakdown in law and order and the absence of due process in the implementation of civil and criminal law as a form of social control in many areas, resulted in private housing finance being effectively withdrawn from large sections of South African households. Continuing high levels of crime and violence hampered and delayed housing development processes. A lack of consumer protection against fraudulent and exploitative practices and behaviour by suppliers of housing products and services negatively impacted on the housing development environment. In addition, low levels of consumer education contributed to increased misunderstanding of developmental and housing processes which raised expectations amongst the homeless in the democratic era for hastened housing delivery without cognizance of the fiscal and practical reality within the housing delivery system. This resulted in the development of new but sterile housing settlements where many households did not have access to socio-cultural amenities, such as schools, health care facilities, sporting facilities, cultural and community centres, etc. within their neighborhoods.

In the spirit of reconstructing South Africa in the post apartheid era, much debate had gone into policy for a compacted and integrated developmental model so that basic services and infrastructure are provided at economies of scale. National policy relating to urban development, housing, land and transportation, explicitly promoted densification and compaction of urban areas and discouraged sprawl in the interest of efficient, equitable, sustainable and integrated human settlement development. Despite this, there has been growing concern amongst housing analysts and beneficiaries that low income housing development to a large extent was not occurring on suitably located land in terms of “compact development” and “integration” ideals, but was rather continuing to occur at low densities on the peripheries of towns and cities (Venter et al. 2006: 1-2).

After almost ten years of experimentation with the HWP and despite concerted efforts by the different tiers of government to fast track low income housing settlements, the nagging question of insufficient houses for the histori-

cally homeless, unsustainable housing settlements, and lack of improvement on the quality of life of beneficiaries cast a spotlight in the political corridors of national government in 2003, sparking new debate on the state of housing delivery. Several housing analysts (Adebayo 2008; Rust 2006; Charlton et al. 2003; Khan and Ambert 2003; Zack and Charlton 2003) confirm that for reasons, such as: poor location, cost of home ownership in the form of rates, service charges, unemployment and constrained access to low-income housing by the poor, impacted minimally on poverty alleviation. International experience on low cost housing delivery (for example Turkey and Zambia) also attest to the location of human settlements in relation to other human activities resulting in reduced thresholds for viable employment, income generation and investment in long term housing improvement (Adebayo 2008:124). The consequence of poor human settlement localities resulted in the poor being virtually marginalised in terms of access to jobs, urban amenities and social networks, as they were expected to spend disproportionate amounts of time and money on transportation. The costs of infrastructure and services provision are known to be generally higher for peripheral locations – thus increasing the financial burden on government. For instance, locating subsidised human settlements closer to job opportunities is likely to produce savings in commuter transport subsidies for the state and it would more than off-set the higher housing costs involved (Venter et al. 2006:1-2). With such a critical analysis, the housing delivery programme in its current form attracted much criticism as it contributed to increased urban sprawl, perpetuating high levels of marginalization amongst the poor and for failing to play a key role in the compaction, integration and restructuring of apartheid created living spaces (Charlton and Kihato 2006:255).

Consequently, a special investigation was commissioned by the National Minister of Housing in 2003 for a ‘Study into the Support of Informal Settlements’ which concluded that these settlements were products of failed policies, ineffective governance, corruption, inappropriate regulation, exclusionary urban (economic) development/growth paths, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems and a profound absence of democratic processes (Huchzermeyer and Karam 2006:43).

In addition, spiraling levels of urbanization were perceived as reason for the widespread mushrooming of informal settlements in the urban centres of towns and cities in the country. This trend was confirmed by the following acknowledgements made by the Department of Housing (DoH) in 2004:

*Despite scale of delivery, the changing nature of demand and the pace of urbanization has meant that the size of the backlog has increased. Current figures indicate that there are over 1.8 million dwellings which can be classified as inadequate housing. The number of households living in shacks in informal settlements and backyards increased from 1.45 million in 1996 to 1.84 million in 2001, an increase of 26%, which is far greater than the 11% increase in population over the same period (RSA 2004a).*

It is against these contexts, that the National DoH in 2004 had to review its policy in light of the slowdown in delivery of low income human settlements and in its inability to provide sustainable livelihoods based on housing development (RSA 2004b).

#### **4. BREAKING NEW GROUND – A REVITALIZED POLICY FOR LOW INCOME HOUSING SETTLEMENTS AND SUSTAINABLE LIVELIHOODS**

The delivery of low income housing settlements took positive steps through the adoption of a new Comprehensive Plan for the Sustainable Development of Human Settlements in 2004. Dubbed as Breaking New Ground (BNG) this policy is known to be all embracing and includes not only low income housing, but the re-examination of the functioning of the residential property markets as a whole. A key objective of this policy was the breaking down of barriers between the formal market (or the first economy) where growth is located, and the informal market (the second economy) which has experienced a slump in growth. It aims to surmount the “*dominant production of single houses on single plots in distant locations*” (RSA 2004:7).

The BNG (RSA 2004) proposes a new plan to redirect and enhance existing mechanisms to move towards more responsive and effective housing delivery. The new human settlements plan reinforces the vision of the DoH to promote the achievement of a non-racial, integrated society through the development of sustainable human settlements and quality housing.

Through this new plan, the DoH envisaged to shift focus towards a reinvigorated contract with the people and partner organizations for the achievement of sustainable human settlements. Sustainable human settlements refer to: *well-managed entities in which economic growth and social development are in balance with the carrying capacity of the natural systems on which they depend for their existence and result in sustainable development, wealth creation, poverty alleviation and equity* (RSA 2004:6).<sup>1</sup>

BNG introduced an expanded role for municipalities. In shifting away from a supply-driven framework towards a more demand-driven process, it placed increased emphasis on the role of the state in determining the *location and nature of housing* as part of a plan to link the demand for, and supply of, housing. This approach is expected to enable municipalities to assume overall responsibility for housing programmes in their areas of jurisdiction, through a greater devolution of responsibility and resources. BNG is founded on the assumption that municipalities will proactively take on their housing responsibilities given that clear guidelines and resources would be forthcoming from the national sphere of government (Rust 2006:11).

One of the programmes linked to this objective was designed in 2009 to integrate informal settlements into the broader urban landscape. The basic principle of this programme was to either upgrade the quality of the living environment through *in situ* development of informal settlements or to relocate then in new housing settlements. In the case of the latter it disconnected relocatees from the original source of livelihood which they were dependent on in nearby established residential suburbs (RSA 2009:12-13). *In situ* upgrading was perceived to be more responsive to poverty, vulnerability and the promotion of social inclusion as compared to relocation. However in instances where the original informal settlement site was not considered conducive to development (rehabilitation of land, overcrowding, and other environmental considerations) relocation needed to be considered as a last course of action (Centre on Housing Rights and Evictions 2008: 24-25). This new paradigm envisaged that all future housing settlement projects be developed within locational distance of the relocatees survival networks (work, transport and social amenities). Since the

formulation of this policy, several provincial pilot projects were undertaken nationally to test out its implementation. In the Province of KZN, the Mount Moriah relocation project north, of the city was finalized in 2005.

Although the BNG was hailed as an invigorating human settlement policy striving towards an accelerated housing market, it was criticized for making reference to the eradication of informal settlements (RSA 2004:12). This raised concerns about the measures municipalities may resort to in order to 'eradicate' established informal settlements and to stamp out attempts on its re-emergence. In 2007 the KZN DoH passed a Bill on the *Elimination and Prevention of Re-emergence of Slums* (dubbed the Slums Act) provoking widespread opposition from the 20 000 strong shack dwellers association called the *Abahlali Base Mjondolo*. This association represented approximately 30 informal settlements around the City of Durban. Attempts by this informal settlements movement to seek judgment in the Durban High Court to oppose the Bill failed, resulting in judgment being passed in favor of the Minister of Housing allowing for the eradication of informal settlements by 2014. The Minister lauded this judgment as it would allow the province through legislative mechanisms to manage the process of slum eradication and prevent its re-emergence in the interest of the homeless (Official Home Page of IOL News 2009). Chapter Two of the '*Elimination and Prevention of Re-emergence of Slums*' provides municipalities with wide ranging powers for the prohibition of unlawful occupation and use of sub-standard accommodation. In terms of this section the municipality has legal authority to evict persons occupying buildings and properties considered unfit for human occupation. On the 14<sup>th</sup> October 2009 the *Abahlali Base Mjondolo* upon bringing an application to the Constitutional Court won a victory against the Slums Clearance Act on the grounds that it contradicted the national Housing Act. Simply, the contradiction lay in the housing policy of the state which failed to provide liveable human settlements resulting in informal settlements and derelict buildings as the only choice of abode for the homeless.

### **5. KZN PROVINCIAL HOUSING STRATEGY 2004/2007-2008/2011**

The heightened attention given to the state of housing delivery at a national level in 2004

provided a new impetus for the KZN Provincial DoH to re-evaluate its strategy on delivery. Inspired by the Comprehensive Plan for the Development of Sustainable Human settlements (BNG) 2004 and its 2004/2007 housing strategy, the KZN DoH sought amongst other priorities to build sustainable communities and improve access to safe, secure and affordable housing. It envisioned achieving this through integrated planning and budgeting between the Departments of Housing, Local Government and Traditional Affairs and Municipalities in order to ensure that all Housing projects are aligned to the Municipal Infrastructure Grant (MIG) programme and that they are prioritized in the Municipalities IDPs. Such an approach hoped to promote integration of communities previously disadvantaged and excluded from housing opportunities in areas of economic activity within towns and cities. By so doing, it aimed to launch an assault on the previous apartheid spatial development strategy which disintegrated communities on the basis of race and capitalist interests. The plan commits to the holistic coordination of housing delivery and to ensure that future human settlements have access to basic services (water, electricity, roads and sanitation).

Diversification of housing options within this plan committed itself to the acceleration of the Rental housing programme to cater for the needs of mobile people or what may be referred to temporary or transient migrants originating from the rural hinterland. This was an attempt to invigorate new housing markets that will cater for those that enter urban centres seeking employment opportunities for a short duration of time until their circumstance improves to make a more permanent presence. In this way, it was anticipated that density levels in slums will be managed more effectively through decongestion and curb future emergence of informal settlements by providing alternative housing opportunities for those who are uncertain to make a more permanent presence in these towns and cities (KZN Department of Housing Strategic Plan 2004:5-7).

During August 2007 the KZN DoH held a strategic review of its five year plan and arising from this process a Performance Plan was conceived for the next five years going well into 2011 as illustrated in Table 1. It is noted from the comparative table on the five year housing strategic plan and the envisaged Performance Plan for the coming five years, that no major changes

**Table 1: Comparison of KZN housing strategic plan for the period 2004/2007 to the 2008/2011 performance plan**

| <i>2004 - 2007 strategic objectives</i>   | <i>2008 - 2011 strategic objectives</i>  |
|---|--|
| <ul style="list-style-type: none"> <li>• To eradicate all slums by 2010</li> <li>• To strengthen governance and service delivery</li> <li>• To ensure job creation by housing programmes</li> <li>• To accelerate development of houses in rural areas</li> <li>• To upgrade public sector hostels</li> </ul> | <ul style="list-style-type: none"> <li>• Eradication of slums in KZN by 2014</li> <li>• Strengthening governance and service delivery</li> <li>• Ensuring job creation through housing delivery</li> <li>• Accelerating housing delivery in rural areas</li> <li>• Accelerating the re-development and upgrade programme of hostels</li> </ul> |
| <ul style="list-style-type: none"> <li>• To create rental housing opportunities</li> <li>• To facilitate capacity building</li> </ul>   | <ul style="list-style-type: none"> <li>• Creating rental / social housing opportunities</li> <li>• Building the capacity of housing stakeholders (especially municipalities)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• To promote homeownership</li> <li>• To provide housing for vulnerable groups including those affected by HIV/AIDS</li> <li>• To ensure completion of all blocked projects by 2007</li> <li>• Implementation of Financial Services Market Programme</li> </ul>        | <ul style="list-style-type: none"> <li>• Promotion of homeownership</li> <li>• Provision of housing for vulnerable groups including those affected by HIV/AIDS</li> <li>• Ensuring the provision of incremental housing</li> <li>• Restoring dignity to military veterans through decent housing</li> </ul>                                    |

have taken place. However this review provided much attention for the management of risk factors that might lead to an inability to deliver on stated targets. Hence risk management was central to the KZN DoH strategy to meet its housing backlogs in the future by laying emphasis on the need to address challenges that may lead to failure in the achievement of housing targets (KZN Department of Housing Plan 2008-2009:3-5).

As part of the future Performance Plan, the strategic review exercise committed itself once again to promoting sustainable integrated development. It envisaged strengthening its regional capacity and ensuring that there was increased participation in the development of IDPs at the Municipal level. "Breaking New Ground" was perceived as an opportunity for the KZN DoH to facilitate the development of sustainable human settlements through integrated housing delivery (KZN Department of Housing Plan 2008-2009:3-5).

## **6. CHALLENGES FACING KZN HOUSING STRATEGIC PLAN**

Notwithstanding the heightened emphasis on a futuristic Housing Performance Plan to meet the challenge of an overwhelming housing backlog in the Province, too much emphasis on quantitative measurable outcomes based on the number of housing units constructed, however provided a distorted picture on the nature and extent of improvement on the quality of life of housing beneficiaries. It failed to address the extent

to which it provided sustainable livelihoods and fell short on enhancing social capital through housing provision for those who have been confined to the periphery of South African society. The challenge was to find ways of developing human settlements that holds promise for newly settled communities to make social advancement through social cohesiveness within a safe and secure neighborhood and being assured of sustained access to basic services. While it was important for the KZN DoH to meet the goal of quantitative measures of housing delivery given the huge backlogs prevalent in the low income housing stock, creating conditions that ensured depth in the quality of life of those previously disadvantaged through the necessary support and opportunity for personal mobility remains a major challenge. The KZN DoH has acknowledged these challenges in its housing Performance Plan for 2008/2012 and some of these needs to be highlighted.

An important consideration in the housing performance plan was to find innovative ways in which to maximize the capacity of local governments as housing delivery agents. This would require providing local governments with the necessary policy guidelines, ensuring that its IDPs are linked to a three year rolling capital investment programme in keeping with the Municipal Finance Management Act (MFMA), supporting the retention of professional and technical skills and the accreditation of municipalities as housing delivery agents.

Considering the high demand for land in urban areas and given its population density due

to rapid urbanization trends, municipalities are required to fund maintenance costs in respect of additional costs that will enhance liveable and sustainable human settlements within its jurisdiction. In so far as rural land is concerned, land usage management plans aimed at ensuring the conservation of high value agricultural land to promote local economic development needs to be incorporated in the IDPs. In both urban and rural areas in the Province, it is believed that housing development provided an important window of opportunity for job creation and poverty alleviation programmes as espoused in the BNG vision. The role of the private sector given the chronic shortage of materials for the housing development infrastructure was an area that formed part of the Provinces Performance Plan to engage with the manufacturing sector as partners.

The Performance plan also took note of the negative effects of skewed and unequal spatial development in its human settlement planning process, the dispersed low density of human settlements in rural areas that made infrastructure costs prohibitively expensive, poor co-ordination, synergies and integration of the different spheres of government departments and the tribal authority system as an impediment to the provision of liveable and sustainable human settlements. The slow pace of land reform and redistribution predominantly in rural areas, insufficient skills transfer to and low levels of capitalization on value added goods produced through agricultural activities was perceived as a strategic area for intervention by the Province. Sociological factors resulting from high infection and prevalence rates of HIV/AIDS, unemployment, high rates of crime, increasing mortality amongst household income providers, high numbers of out-of school children, child headed households and single parents were factors identified to militate against the Provinces goal of providing liveable and sustainable human settlements in the future.

## **7. BRIEF DEMOGRAPHIC PROFILE AND HOUSING CONTEXT IN KWAZULU-NATAL**

Like other provinces in the country, KZN is facing challenges in the social, economic and demographic development of its citizens in areas such as rural development, urban renewal,

economic and employment growth, poverty reduction and human resource development. In order to place the study of liveable and sustainable low-cost housing in context, it is necessary to provide a broad picture of life circumstances in the Province that impact on housing delivery. The Provinces profile as formulated by Statistics South Africa and other supportive data provides a good indicator in understanding the housing and other basic service delivery challenges that need to be considered within the framework of integrated development.

The spatial profile of KZN covers 92 100 km<sup>2</sup> or 7.2% of the total surface area of the country inhabited by almost 9.4 million people. The majority (84.9%) of the population are African, followed by Indian (8.5%), White (5.1%) and Coloured (1.5%). Approximately 54% of the population lives in non-urban areas as compared to 46% in urban areas. KZN has a literacy rate of 64.8%, lower than the national average of 68.5%. According to the Labour Force Survey of September 2004, approximately 2.1 million of the total population in KZN aged 15–65 years was economically active, while approximately 3.0 million aged 15–65 years were not economically active. KZN had an unemployment rate of 28.7% in September 2004.

Approximately a third (33.1%) of KZNs population is dependent on public transport (mini bus taxis, trains, buses and *bakkies*) as a primary mode of transport to work and for other related activities as highlighted by a Household Travel Survey undertaken by the National Department of Transport in 2005. The study asserts that those earning R500 and less per month, expend a third of their income on travel to work. The national average time spent on travel to work for Black commuters was 48 minutes and 18% of those that travel for an hour or more are mostly Black African Households (Department of Transport 2005:18-25).

Despite efforts to provide every household in the Province with fresh water, only less than half have access to piped water in their dwelling. A vast majority have access to non-piped sources of water. Africans are most marginalized from piped sources of water as illustrated in Table 2.

Less than half of the households in KZN enjoy conventional flush toilets connected to a sewerage system as depicted in Table 3. Alarmingly, 10% of the households have no toilets at all.

**Table 2: Different sources of water access for households in KZN by race**

| <i>Sources of household water supply</i>                 | <i>African</i>   | <i>Coloured</i> | <i>Indian</i>  | <i>White</i>   | <i>Total</i>     | <i>%</i>    |
|--|------------------|-----------------|----------------|----------------|------------------|-------------|
| Piped water inside dwelling                              | 497 701          | 31 942          | 192 528        | 158 719        | 880 890          | 39%         |
| Piped water inside yard                                  | 415 269          | 1 680           | 4 987          | 3 779          | 425 715          | 19%         |
| Piped water access point outside yard                    | 460 508          | 684             | 2 729          | 982            | 464 903          | 21%         |
| Other sources- Boreholes, river, spring, dam, rain tanks | 457 374          | 592             | 1 006          | 3 648          | 462 620          | 21%         |
| <b>Total</b>   | <b>1 830 852</b> | <b>34 898</b>   | <b>201 250</b> | <b>167 128</b> | <b>2 234 128</b> | <b>100%</b> |

*Source:* Adapted from the SA Statistics 2007Community Survey

**Table 3: Types of toilets amongst households in KZN by race**

| <i>Toilet type</i>                          | <i>African</i>   | <i>Coloured</i> | <i>Indian</i>  | <i>White</i>   | <i>Total</i>     | <i>%</i>      |
|---|------------------|-----------------|----------------|----------------|------------------|---------------|
| Flush toilet (connected to sewerage system) | 523 600          | 31 821          | 193 944        | 150 260        | 899 625          | 40%           |
| Flush toilet (with septic tank)             | 68 781           | 1 122           | 3 866          | 15 823         | 89 592           | 4%            |
| Dry toilet facility                         | 236 631          | 473             | 584            | 234            | 237 922          | 11%           |
| Pit toilet with ventilation (VIP)           | 262 167          | 460             | 1 151          | 52             | 263 830          | 12%           |
| Pit toilet without ventilation              | 481386           | 833             | 876            | 416            | 483 511          | 22%           |
| Chemical toilet                             | 16 392           | 0               | 57             | 51             | 16 500           | 0.7%          |
| Bucket toilet system                        | 10 264           | 49              | 285            | 110            | 10 708           | 0.5%          |
| None  | 231 629          | 141             | 488            | 183            | 232 441          | 10%           |
| <b>Total</b>                                | <b>1 830 850</b> | <b>34 899</b>   | <b>201 251</b> | <b>167 129</b> | <b>2 234 129</b> | <b>100.0%</b> |

*Source:* Adapted from the SA Statistics 2007Community Survey

**Table 4: Sources of energy amongst households in KZN by race**

| <i>Energy source</i> | <i>African</i>   | <i>Coloured</i> | <i>Indian</i>  | <i>White</i>   | <i>Total</i>     | <i>%</i>    |
|----------------------|------------------|-----------------|----------------|----------------|------------------|-------------|
| Electricity          | 1 198 597        | 33 380          | 198 215        | 166 159        | 1 596 351        | 71%         |
| Gas                  | 3 709            | 0               | 301            | 0              | 4 010            | 0%          |
| Paraffin             | 56 984           | 83              | 262            | 90             | 57 419           | 3%          |
| Candles              | 546 535          | 1 168           | 1 459          | 367            | 549 529          | 25%         |
| Solar                | 11 494           | 0               | 121            | 111            | 11 726           | 1%          |
| Other                | 13 532           | 267             | 893            | 402            | 15 094           | 1%          |
| <b>Total</b>         | <b>1 830 851</b> | <b>34 898</b>   | <b>201 251</b> | <b>167 129</b> | <b>2 234 129</b> | <b>100%</b> |

*Source:* Adapted from the SA Statistics 2007Community Survey

Table 4 illustrates the sources of energy utilized by households. Almost 30% of the households do not have access to clean forms of energy.

According to Census 2001, between 1996 and 2001, 145 078 people moved to KZN from other provinces. There were 96 763 non-South African residents living in KZN in 2001. There were about 2.3 million households in the province in 2004, of which about 82.0% were headed by Africans, 1.0% by Coloureds, 9.0% by Indians, and 8.0% by White people. About 43.0% of the dwellings that households occupied were owned and fully paid<sup>2</sup>for, as compared to 13.4% that were on mortgage with financial lending institutions. In so far as housing tenure is concerned, 18% depended on the rental market for

their shelter needs. In the rental market, 25% of the households did not pay rent. About 66.8% of the households lived in formal dwellings as compared to 33.2% lived in informal dwellings. The most up to date profile on the type of shelter occupied by households is illustrated in Table 5. It may be noted that households sheltered in traditional dwellings, back yard shacks and informal settlements primarily amongst the African population group presents the greatest challenge for the province

Approximately 42.9 % of the 2.3 million households in KZN were headed by females. Females in the age group 15 to 34 years headed most of these households. About 1.9 % (41 027) of households in KZN were headed by children between the ages of 10 and 19 years, and the

**Table 5: Types of housing occupied by households in KZN by race**

| <i>Housing type</i>   | <i>African</i>   | <i>Coloured</i> | <i>Indian</i>  | <i>White</i>   | <i>Total</i>     | <i>%</i>    |
|---|------------------|-----------------|----------------|----------------|------------------|-------------|
| House or brick structure on a separate stand or yard                            | 796 384          | 20 923          | 138 700        | 120 888        | 1 076 895        | 48%         |
| Traditional dwelling/hut/structure made of traditional materials                | 608 400          | 926             | 998            | 738            | 611 062          | 27%         |
| Flat in block of flats  | 81 997           | 7 487           | 32 161         | 27 264         | 148 909          | 7%          |
| Town/cluster/semi-detached house (simplex: duplex: triplex)                     | 14 642           | 3 175           | 19 846         | 12 723         | 50 386           | 2%          |
| House/flat/room in back yard  | 43 699           | 1 345           | 5 648          | 2 923          | 53 615           | 2%          |
| Informal dwelling/shack in back yard  | 50 083           | 196             | 949            | 63             | 51 291           | 2%          |
| Informal dwelling/shack not in back yard eg. in an informal/squatter settlement | 138 273          | 626             | 1 698          | 365            | 140 962          | 6%          |
| Room/flatlet not in back yard but on a shared property                          | 20 295           | 194             | 814            | 728            | 22 031           | 1%          |
| Caravan or tent   | 2 948            | 27              | 79             | 707            | 3 761            | 0.2%        |
| Private ship/boat   | 793              | 0               | 26             | 47             | 866              | 0.1%        |
| Workers hostel (bed/room)   | 70 810           | 0               | 93             | 463            | 71 366           | 3%          |
| Other   | 2 529            | 0               | 240            | 219            | 2 988            | 0.1%        |
| <b>Total</b>  | <b>1 830 853</b> | <b>34 899</b>   | <b>201 252</b> | <b>167 128</b> | <b>2 234 132</b> | <b>100%</b> |

*Source:* Adapted from the SA Statistics 2007 Community Survey

majority of these children were Africans. According to the South African Health Review (2008:314) some 1.5m people in the Province are afflicted by the HIV/AIDS pandemic of which 500 000 are AIDS orphans.

According to an announcement made in 2008 by the Minister for Local Government and Traditional Affairs the housing challenge for the province stands at 906 000. It is estimated that since 1996, 500 000 houses have been either completed or are under construction in the Province. Over the past four years, the Provincial DoH was able to deliver about 100 000 houses. Considering the rate of delivery, the minister of housing at the KZN Govan Mbeki Awards day held on the 28<sup>th</sup> August 2008 expressed confidence that the housing delivery figure was certain to rise substantially before the end of this administration's term early in 2009.

## 8. CONCLUSION

This paper examined key policy documents which promote liveable and sustainable low income housing settlements and the mechanisms through which it needs to be planned and implemented in the post-apartheid South Africa. In addition, it reviewed key policy frameworks, planning and evaluation instruments that guide KZN DoH's housing delivery programme. The conceptual framework highlights that the initial mandate for post-apartheid housing delivery as con-

tained in the HWP (1994) continues to serve as an important policy instrument to guide housing delivery. Notwithstanding its celebrated status in meeting the post-apartheid housing challenge, the pace and quality of housing delivery in its first ten years of implementation has been categorized as mediocre by several housing analysts. A fair number of them agree that the housing settlements in this wave of the development cycle had failed to provide sustainable livelihood opportunities for beneficiaries originating from the low income market. In 2003 these criticisms drew political attention resulting in policy reformulation to provide for revitalization of the declining state supported housing delivery programmes. Breaking New Ground (BNG) is now hailed as a catalyst to resuscitate and reinvigorate the delivery of housing based on sustainable livelihood principles that empower the social and economic well-being of beneficiaries.

The socio-demographic profile of the province provides a map which shows the extent of basic services and infrastructure that need to be consolidated within the housing delivery programme. The back logs are immense and so are some of the social and health related issues (such as unemployment, migration, changes in family structure, HIV/AIDS pandemic) that are likely to counter the vision sustainable human settlements.

The KZN DoH has responded to this changing housing delivery landscape by making sever-

al policy adaptations. It has passed into law the Elimination and Prevention of Re-Emergence of Slums Act (2006) which from a planning and development perspective is considered as one way of curbing the re-emergence of informal settlements in the province whilst it endeavors to improve on existing ones. The KZN Planning and Development Act (2008) aims to provide local governments with wide ranging powers to make planning and development decisions on matters concerning land use.

In setting its 2008-2011 housing delivery objectives, the KZN DoH re-affirmed the strategic objectives contained in the years preceding it (2004-2007) and dedicated much attention to the management of risks (internal and external) and to dealing with challenges that may lead to its failure in achieving housing targets. For the future, its Performance Plan commits itself once again to promoting sustainable integrated development. The “Breaking New Ground” is perceived as an opportunity for the KZN DoH to facilitate the development of sustainable human settlements through integrated housing delivery. A wide range of challenges have been ring-fenced, many of which have been carried over from previous years. Some challenges have been dealt with partially while others continue making a chronic presence at different strategic planning exercises. Despite these challenges, the KZN DoH is optimistic about aspiring towards the provision of sustainable and liveable human settlements in keeping with the national housing paradigm shift as contained in the BNG.

### NOTES

1. A broader definition of the concept “sustainable livelihoods” according to Robinson, McCarthy and Forster (2004:262) needs noting – a livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base.
2. It should be noted that the category of ‘owned and fully paid off’ houses may be inflated as it might include Reconstruction and Development Programme (RDP) houses which is state sponsored and is free.

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