

**“An Overview of the Human Settlements  
Environment in South Africa”**

**The Australian Parliamentary Committee Study  
Visit**

**16<sup>th</sup> April 2013**

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# Constitutional, Policy and Legislation

- Basis of all state and government action is based on Section 26 of the Constitution.
- Our Constitution provides that:
  - Everyone has the right to have access to adequate housing
  - The state must take reasonable legislative measures and other measures within its available resources, to achieve progressive realization of this right
  - No one maybe evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions

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# Constitutional, Policy and Legislation

- Comprehensive legal development and interpretation of the Constitutional provisions, through a series of court decisions as well as directives.
- In terms of the Constitution, human settlements and housing is a concurrent responsibility of the National and Provincial Governments.
- A series of Acts of Parliament, Regulations and Policies have been enacted and adopted to support the Constitutional provisions.

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# Constitutional, Policy and Legislation

- One of the key policy instruments is the National Housing Code which encompasses a comprehensive policy, planning, funding and implementation framework.
- The key pieces of legislation is the Housing Act supported by the Social Housing Act, the Rental Act, Social Housing Regulatory Authority Act, Housing Development Act.
- In addition there is a comprehensive of planning, funding and regulatory policies, regulations and legislation supporting sustainable human settlements development.

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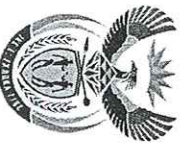


# Constitutional, Policy and Legislation

- The human settlement development environment is supported by environmental, municipal, provincial and land policy and legislation.
- The National Environmental Management Act makes it mandatory to ensure that all human settlements and housing complies to principles of sustainable developments.
- We are currently adapting our building and regulatory standards to ensuring acceptable energy efficiency standards.

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# Constitutional, Policy and Legislation

- A key regulatory body is the National Homebuilders Building Regulatory Council, which oversees and monitors the application of building standards and regulations.
- A strong set of rental housing policies and regulations exist which supports a strong emerging affordable rental housing sector.
- Funding for the state housing programmes and projects is also through a legislative process which includes a strong and vibrant parliamentary oversight process over the executive and public service.



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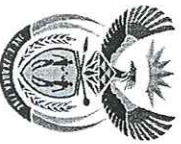


# Facts and Figures

%	R0-R3,500	R3,500-R7,000	R7,000-R10,000	R10,000- R15,000	R15,000- R20,000	R20,000+	Total
	<b>A: Formal - owned</b>	2,595,398 21.0%	880,882 7.1%	415,107 3.4%	522,558 4.2%	308,920 2.5%	
<b>B: Formal - rented, plus Room/Flatlet not in backyard</b>	1,380,830	433,093	224,180	228,985	103,018	255,611	2,625,717
	11.2%	3.5%	1.8%	1.8%	0.8%	2.1%	21.2%
<b>C: Informal settlement - regardless of whether it is owned or rented</b>	903,349	192,439	61,254	24,060	9,991	11,664	1,202,757
	7.3%	1.6%	0.5%	0.2%	0.1%	0.1%	9.7%
<b>D: Backward dwelling - regardless of whether it is owned or rented</b>	626,984	166,507	69,820	38,885	14,330	28,803	945,329
	5.1%	1.3%	0.6%	0.3%	0.1%	0.2%	7.6%
<b>E: Traditional dwelling - regardless of whether it is owned or rented</b>	1,133,113	210,203	37,341	20,298	17,998	23,722	1,442,675
	9.2%	1.7%	0.3%	0.2%	0.1%	0.2%	11.7%
<b>F: Hostel</b>	181,202	108,658	53,512	7,598	1,986	3,508	356,464
	1.5%	0.9%	0.4%	0.1%	0.0%	0.0%	2.9%
<b>G: Other</b>	33,582	9,704	5,300	3,295	1,165	3,483	56,529
	0.3%	0.1%	0.0%	0.0%	0.0%	0.0%	0.5%
<b>Total</b>	6,854,458	2,001,486	866,514	845,679	457,408	1,353,211	12,378,756
	55.4%	16.2%	7.0%	6.8%	3.7%	10.9%	100.0%

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# Facts and Figures

Need	Basis of Quantification	Number of Households
Households needing services	<p>HH in formal houses who do not have universal access to services:</p> <ul style="list-style-type: none"> <li>▪ HH &lt; R10,000pm (basic level of service)</li> <li>▪ HH &gt; R10,000pm (high level of service)</li> </ul>	<p><b>2,848,961</b></p>
Households needing access to housing (including services)	<p><b>Total additional housing :</b></p> <ul style="list-style-type: none"> <li>▪ All HH in informal settlements, backyard dwellings and hostels</li> <li>▪ 20% of HH in formal rental who purchase a new house (trade up)</li> </ul>	<p><b>2,504,550</b></p> <p><b>525,143</b></p>
Households needing access to secondary market transactions *	<p><b>Total secondary transactions supported:</b></p> <ul style="list-style-type: none"> <li>▪ 20% of HH in traditional and owned</li> <li>▪ 4% of HH in formal rental</li> <li>▪ 2% of HH in informal settlements, backyard rental and hostels</li> </ul>	<p><b>1,593,512</b></p> <p><b>1,438,392</b></p> <p><b>105,028</b></p> <p><b>50,092</b></p>

\* Based on 2% churn per year

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# Facts and Figures

Province	EC	FS	GP	KZN	LP	MP	NC	NW	WC	SA total
All Traditional Dwellings (GHS)	605,000	28,000		588,000	100,000	74,000	14,000	8,000		1,417,000
One third (Estimate) of Traditional Dwellings Deemed to be inadequate	181,500	8,400	0	176,400	30,000	22,200	4,200	2,400	0	425,100
Shack in Backyard	22,000	58,000	308,000	47,000	30,000	17,000	8,000	39,000	119,000	648,000
Shack in Inf Settlement	104,000	69,000	480,000	176,000	39,000	64,000	17,000	114,000	134,000	1,197,000
Estimated Need for Adequate Shelter	307,500	135,400	788,000	399,400	99,000	103,200	29,200	155,400	253,000	2,270,100

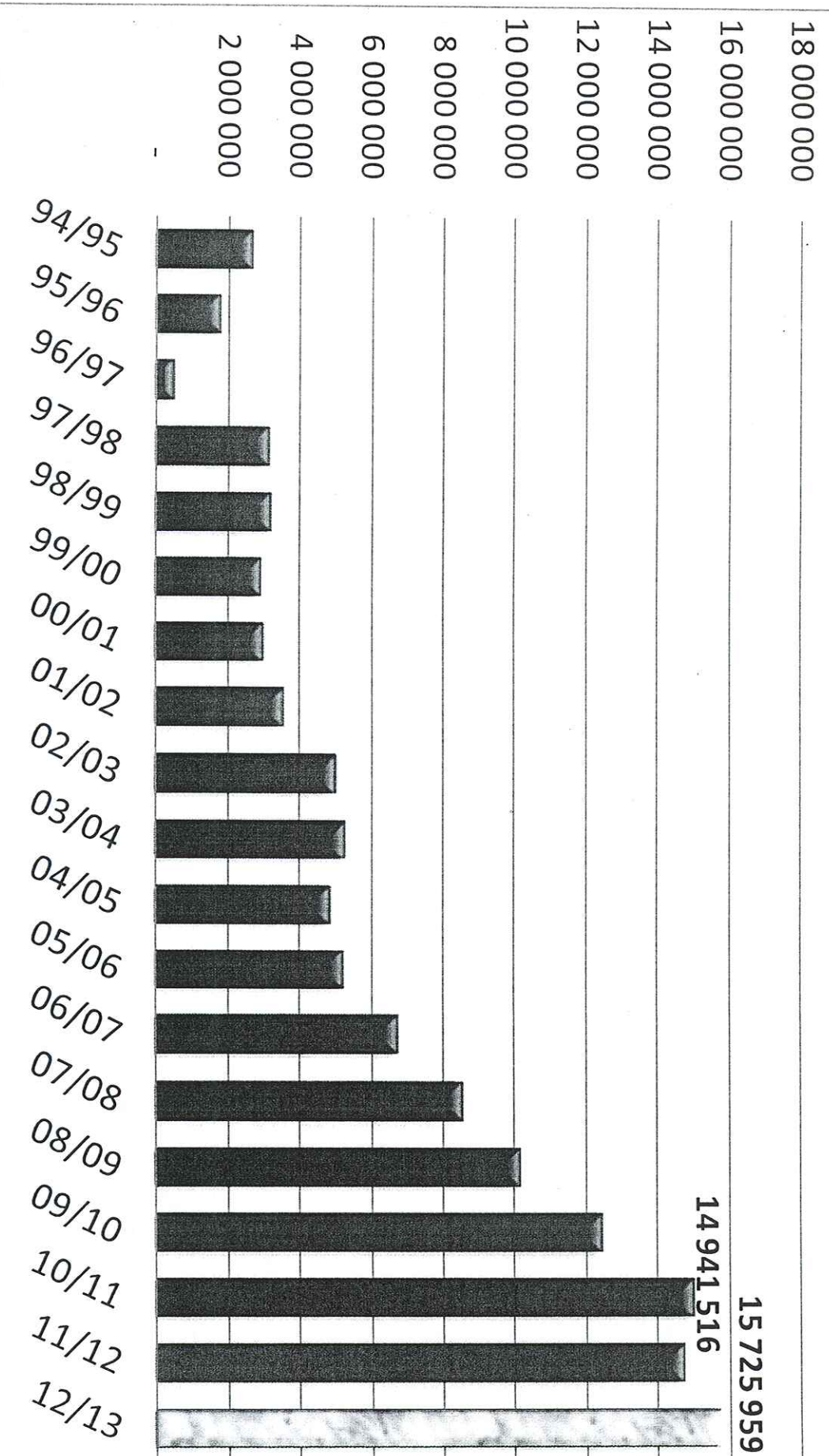
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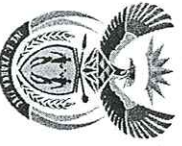
## Grant Allocations since 1994 (R'000)



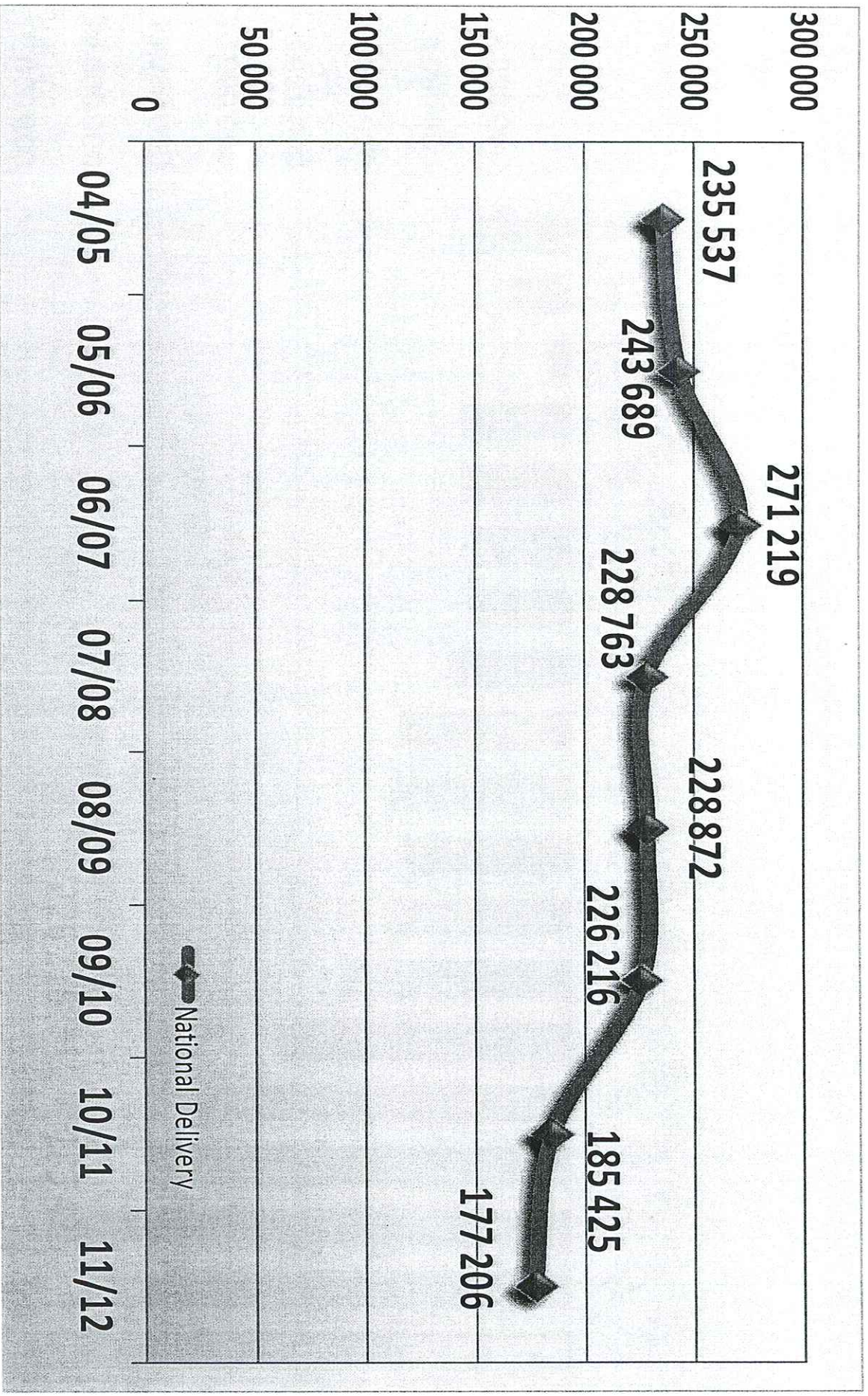
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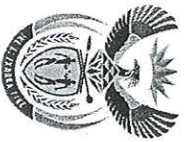




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# Current Initiatives

- Establishment of the Human Settlements Department
  - Proposed Consolidation of the Development Finance Institutions for Human Settlements Development
  - Review of the Finance and Subsidy Programme
  - Proposed introduction of a Default Guarantee Programme
  - Impact & Performance Evaluations & Policy Review
- Establishment of the Presidential Infrastructure Coordinating Commission – SIP 6 and SIP 7

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# Current Initiatives

- National Development Plan released by the National Planning Commission – Chapter 8 focused on transforming human settlements
- Delivery Agreement between the Minister and President which introduced an Outcomes Based approach to government delivery.
- Focus on the eradication of the current household sanitation backlogs.





# Current Initiatives

- **Improving Integrated Municipal Infrastructure** - Develop a national capacity to assist the 23 least resourced districts with a population of 17 million people, to address all the maintenance backlogs and upgrades required in water, electricity and sanitation bulk infrastructure. The road maintenance programme will enhance the service delivery capacity thereby impact positively on the population.
- **Integrated Urban Space and Public Transport Programme** - Coordinate planning and implementation of public transport, human settlement, economic and social infrastructure and location decisions into sustainable urban settlements connected by densified transport corridors.

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# Governance, Oversight and Planning

- **Parliament** – Exercises legislative oversight over all policies, legislation, regulation and funding for human settlements development.
- **Judiciary** – Exercises oversight over all constitutional and legal prescripts related to human settlements development including compliance to constitutional provisions – Eight of twelve judgements of the Constitutional Court cover various aspects of the right to housing and related human settlements development.
- **Executive** – Exercises executive and administrative authority over policies, legislation, funding, planning and implementation



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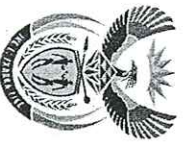
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# Governance, Oversight and Planning

- **National Government** – Exercises authority over all policy, legislation, regulation macro planning and funding for human settlements development.
- **Provincial Government** – Responsible for implementation of all national policy, legislation, regulation, planning, allocation of funding and programmes and projects
- **Local and Municipal Government** – Responsible for all local and municipal planning, prioritization for programme and project implementation



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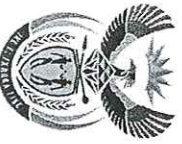
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# Governance, Oversight and Planning

- **Community Participation** – Local communities and citizen participation is legally regulated and must form part of the development of municipal integrated development plans which form part of process of national and provincial prioritization, planning and allocation of resources.
- **Constitutional and Legislative Oversight** – South African Human Right Commission and Public Protector are constitutional bodies which exercise oversight over state and government action – Complemented by an active Parliamentary oversight process both at a national, provincial and local sphere.



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# Governance, Oversight and Planning

- **Planning**

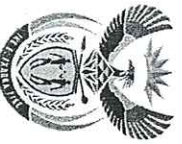
- National Development Plan was adopted in November 2012 and complements and reinforces a number of mandatory national, provincial and planning policies and procedures that must take place in the allocation of funding and implementation of programme and projects.
- A updated census was undertaken in 2011 and the various changes in households access to services and shelter as well as migration patterns will be factored into formulae for planning and funding

- **Funding** – Funding is allocated to the Provinces and Municipalities on the basis of approved formulas which takes into account backlogs at a municipal and provincial level and this includes factors such as households with no access to basic services and adequate shelter.

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**Thank You**



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