



SALGA

South African Local Government Association

Developing a Response to Backyarding for SALGA

Final Report

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EXECUTIVE SUMMARY

SALGA's members are responsible for facilitating, guiding and controlling urban growth within our cities and towns. With this in mind, the following discussion document sets out a framework from which SALGA can develop a position on the issue of backyarding for its members. The work follows a clear set of principles:

- It is important to recognize the **significant role** backyarding plays in providing affordable, acceptable quality rental accommodation to smaller, lower-income South African households, with little or no direct government support.
- Furthermore, backyarding **accommodates a diverse spectrum of vulnerable households**, many of whom are not directly impacted by existing public housing policy. This includes those unable to procure subsidized accommodation; newly-formed households, the young and old, those dispossessed of housing or unable to own property.
- Backyarding also plays an **important economic contribution** towards creating small enterprise and generating income for many lower-income households.
- Given that backyarding occurs within existing neighbourhoods, it also plays a key role in **compaction, densification and better utilisation of existing infrastructure investments** in urban areas.
- The backyarding delivery system also provides a **broad continuum of accommodation** - from poor quality shacks in slum-like conditions, to fully functional second dwelling units – found across many different zones in our urban areas including informal settlements, townships and upper-income suburbs.

Notwithstanding the positive aspects of backyarding, it can also place **severe pressures on municipal capacities** in order to maintain quality urban environments.

- Specifically, backyarding can place **pressure on existing infrastructure** capacity in areas of high prevalence. This is a major urban management consideration requiring that the costs of remedying the situation are weighed up against the benefits of backyarding.
- Municipalities' role of ensuring **quality living environments** is also affected by uncontrolled backyarding. In extreme, unregulated situations backyarding can lead to slum-like conditions where it is not adequately controlled and managed.
- **The lack of a guiding policy, legislative and funding support framework** at national and provincial level affects municipalities' ability to adequately respond to, regulate, manage and utilise backyarding as a positive city-building force.
- Current national housing, national building codes and municipal **norms and standards** must strike a balance between basic needs, human health requirements and the supply of and demand for decent, affordable accommodation.

There is an urgent need to develop and adopt a universally applicable **backyarding policy framework** in South Africa, which up to now has not been formalised in national policy discourse and that has led to diverse and often damaging public responses.

- It is important for SALGA to **lobby** for the development of a national rental policy that should form a cornerstone of the new Human Settlements Green Paper. This framework should explicitly consider backyarding as a critical housing sub-sector in South Africa, worthy of acknowledgement, guidance and appropriate support.
- There are still many unknowns about the exact conditions in the Backyarding sub-sector. Further tasked **research** is required to better understand conditions within the backyarding sub-sector, and to disseminate information to municipal management that leads to a balanced response to backyarding.
- A backyarding **response framework** that is applicable to the wide range of backyarding conditions within different municipal areas is required. The many responses that have been developed and implemented by municipalities in South Africa must be refined and where relevant included into an overall future framework.
- Further consideration is required to develop proposals for the creative application of existing, and development of new **capital expenditure & subsidies** that assists to improve backyarding conditions. Subsidy responses must also consider the possibility of not subsidizing this sector directly.

In order to develop an appropriate strategic position in respect of backyarding, the following must be considered:

- Government has a **constitutional responsibility** to accommodate South Africans. A part of this responsibility is to acknowledge that actions leading to the displacement of households from backyarding, without offering better alternative accommodation is most likely to worsen the living conditions of those displaced. Therefore, interventions that solely de-densify or gentrify backyarding without providing alternative accommodation for those affected must be interrogated closely.
- It is critical for every municipality to **research and fully comprehend** backyarding conditions in their areas of jurisdiction, and to consider the ambit of possible strategic responses to each of these. This knowledge must be used to fully quantify the extent to which, and areas in which conditions in backyarding meet or fall short of national norms and standards, and areas in which they adequately cater for these.
- Backyarding conditions are not uniform, and therefore **differentiated responses to backyarding** outcomes within different urban zones are required, depending on the specific conditions of each area. Responses must therefore include approaches to facilitating backyarding in new Greenfields areas and areas of low density; supports to guide backyarding development in existing areas, and actions to ensure human health and safety where slum-like conditions exist.
- There are inherent complexities in regulating, managing and developing backyarding. It is important that **positive and negative attributes of backyarding** are specifically identified and strategies developed to utilise the positive and mitigate the negative in all future Housing Plans and Integrated Development Plans.

A range of potential responses exist that municipalities can adopt to regulate, manage and develop backyarding. Municipalities must respond to backyarding by coordinating their responses from multiple perspectives, including basic needs, human settlement, and local economic development in order to encourage the capabilities of small scale landlords to provide good quality accommodation for residents in the area.

- **New Land Use Management Systems** that will be developed to comply with new provincial land use legislation offer an opportunity for municipalities to develop frameworks within which positive attributes of backyarding can be incentivised, and negative outcomes managed.
- A range of **urban regulation and management tools** exist that can be used, including higher density corridors, primary rights to second dwellings and more lenient zoning, by-laws and rating policy instruments.
- Extension of **basic services grants** and regulating provision of services to backyarders can be used to equalise conditions for backyarders who are currently unable to access such supports.
- Further, there may be circumstances in which the **appropriate policy response may be extremely limited** to no intervention rather than engagement that might lead to negative outcomes.

How settlements are planned can positively influence how backyarding is accommodated in new urban areas.

- Sensitive **Settlement design** during planning can provide for better layouts, sufficient excess infrastructure capacity and provision for secondary development.
- **Site layouts** can also influence where, and how, backyarding develops, such as through the location of service connections, where the primary structure is housed and whether secondary units are planned for
- **Existing settlement improvements** can be made to accommodate existing or future backyarding, via changes in use, subdivision or consolidation of sites and upgrading of internal services and availability of secondary connections.

Strategically targeted public investment will yield maximum results in the backyarding sector.

- **Investments in bulk and internal infrastructure** networks can create the development framework for the future orderly growth of backyarding. Such investments can be a cost-effective way of both upgrading existing, aging networks and providing capacity for future densification.
- Investments in **on-site service reticulation and management systems** can substantially improve municipalities' ability to control service availability and usage.
- Investments in **social facilities** can also create the urban fabric necessary to support increased population densities.
- Carefully considered **subsidy approaches** must also be found that facilitate backyarding. While public subsidies for backyarding may be an important element of strategy, this may also negatively affect the functioning of the sub-sector. Further, direct subsidies to landlords may not offer the best outcomes for backyarding, in that it can distort the rental accommodation market and create expectations within this sector.

Municipalities play a central role in controlling urban processes, including backyarding.

- Developing **performance standards** as a mechanism for identifying adequate and inadequate conditions must be considered, instead of adherence to simple minimum prescribed accommodation norms and standards aimed at notional households.
- **Town planning control procedures** must be appropriate for the task of backyarding, but must simultaneously be adequately resourced and adhered to if orderly urban growth is to result.
- Urban management and control, through **building control processes** remains a vital component of ensuring desirable outcomes are achieved through backyarding.
- **Service provision, rating, service billing and collections** are also critical to maintaining an orderly and hygienic urban environment in such areas. This includes mechanisms to extend free basic services allowances into backyarding areas.

Backyarding is a sub-sector that offers many opportunities for **direct and indirect supports**: -

- National **subsidy and capital expenditure frameworks** at the municipal level should be reviewed in order to be more appropriate to the facilitation and orderly development of backyarding.
- Opportunities for **direct municipal investments and supports** and investments in infrastructure, service metering and connections that facilitate orderly backyarding must be considered.
- **Partnerships** with government, private and community actors that can assist to facilitate appropriate development of the backyarding through financial and non-financial mechanisms must be pursued.
- **Support** offered, where appropriate, through other institutions (such as tribunals) to landlords and tenants in the backyarding sector must be facilitated. This could include entrepreneurial support and finance for business development.

In severe situations of urban blight, direct action aimed at **remediation** of slum-like conditions may still be required.

- **Gentrification and improvement** of conditions can be considered in severe situations, where displacees are able to access accommodation conditions equal to or better than those they are removed from
- **De-densification** of overcrowded areas will be considered in specific cases, where this forms a part of a wider urban development framework that can accommodate displacees
- In severe circumstances, SALGA will support **eradication** of backyarding where conditions that are likely to lead to serious injury, disease or loss of life have developed.

1. Introduction

Municipalities throughout South Africa experience serious challenges regarding how to deal with the phenomenon of backyard dwelling. While backyard dwelling units meet the critical need for affordable, well-located residential accommodation that provides households with access to basic services, and also provide an income stream to household landlords, municipalities are faced with decisions on how to manage backyard dwelling. Urban management considerations include the need to control the growth of slum-like conditions, managing pressure on already-strained infrastructure networks, yet encouraging the growth of more sustainable human settlements and housing types that meet the needs and affordability of all residents, including lower-income, smaller households and those not wishing to own or purchase accommodation. Evidence suggests that backyarding has long been a phenomenon in urban South Africa¹, and statistics from the last census indicate that this is a sector that is growing and now more than ever requires a reasoned policy response.

1.1 Terms of Reference

SALGA's Terms of Reference for this project called for the "*Development of Issue Paper for [a] SALGA Position on Backyard Dwellers*". The *Terms of Reference* outline five objectives for the project:

- To assess the current status of relevant existing municipal, provincial and national policies and strategies in relation to backyarding;
- To make an inventory of the most occurring challenging issues regarding backyard dwellers, towards getting a better understanding of issues underpinning the backyard shack dwelling;
- To review current practices by various municipalities and provinces in dealing with this matter, including existing successes in addressing the challenges of backyard dwellings;
- To explore options for addressing the issues of backyard shack dwelling; and
- To recommend policies and strategies for providing formal dwelling and services to backyard dwellers.

1.2 Methodology

The team utilised these objectives to structure the study and methodology but also followed a very specific approach, which was to understand the nature of backyarding within its existing context, examining the phenomenon through a number of lenses (i.e. sustainable livelihood strategy; different notions of housing including welfare, exchange value, use-value; spatial restructuring considerations and basic needs frameworks) in order to understand what the "problems" are around backyarding and to see if and how these could or should be addressed. Such an approach opened a variety of ways of understanding backyarding and allowed the team to go beyond the usual ideas formality/informality.

¹ Parnell, S., 1987: *Johannesburg's Backyards: The Slums of New Doornfontein, Bertrams and Prospect Township, 1934-1939*, University of the Witwatersrand, History Workshop.

Our methodology included the following elements:

- **Literature Review:** A comprehensive review of international and local literature on this topic was undertaken. A full reference list is included in the Reference section
- **Stakeholder Interviews:** A series of interviews with a wide range of stakeholder representatives, including national, provincial and local government representatives and academics with an interest in this topic. A complete list can be found in Annex I.
- **SALGA Workshop:** A workshop was held with SALGA representatives and other stakeholders to gain insight into the draft report, in order to finalise the issue paper as a useful input into the process of developing a SALGA position on backyarding.

1.3 Report Structure

This report is divided into seven sections. Section Two provides a working definition of backyarding and indicates the wide variety of ways it is seen and understood in the planning and housing literature, all of which have implications for how it is approached and thus regulated and managed. It also unpacks some of the key debates and concerns that surround backyarding. These are set up in order to demonstrate “The good, the bad and the ugly” around backyarding of each of the issues.

Section Three provides a brief discussion of the actual “numbers” i.e. the scale of backyarding and rental, the current trends and future trajectory, in terms of both demand and supply for backyarding in South Africa, and its implications for policy and practise.

Section Four describes the diverse continuum of backyarding, using a set of case studies to demonstrate the diverse nature of backyarding, its typology, location and some of the positives, negatives and lessons that can be learnt from each case. The section includes local and international cases and provides oversight of the current state of policy in South Africa.

Section Five looks at what can be drawn out from the cases, and highlights the challenges, concerns and critiques of each of these interventions.

Section 6 contains a discussion of a potential range of interventions that could be considered at the national and municipal spheres.

Section Seven outlines a set of five key recommendations regarding backyarding that SALGA could consider as a basis for developing its future response to the backyarding issue.

2. Key Concepts and Debates

There are a number of concerns or issues that have been raised about the backyard units, many of these concerns are nothing more than “urban legends” and need to be empirically tested or looked at through a different lens in order to understand and appreciate the role that they play in the larger urban environment. Although the issues are divided into separate and contrasting “binaries” or opposites, all of the concepts are in some way inter-related and need to be considered as a whole.

2.1 Definition of Backyarding

There are many different terms used to describe, and varied perceptions about backyarding. Thus whilst the units may be similar in design, quality and function to other types of accommodation, they are often perceived as quite different, and as such are treated differently from a policy perspective. Furthermore the lack of a clear and universally accepted definition of this accommodation sub-market and delivery system is partially responsible for its misinterpretation. Many terms and definitions are factually misleading, refer to subjective definitions of the accommodation or generalise conditions found only in a proportion of accommodation found in this sub-sector. The following provides a brief lexicon of some of the terms and their implications:

- **Household rental:** also known as “amateur-rental”, whereby a household lives on the same premises and manages the rental accommodation, often an activity that involves all members of the primary household.
- **Informal settlement:** In South Africa, backyard accommodation is generally included in the definition of informal settlement, with respect to the government’s intent to eradicate informal settlement. Often, as a result, definitions of the accommodation backlog include backyard accommodation. However, most backyard accommodation has very different built forms, tenure conditions and service standards than accommodation in informal settlements.
- **Informal rental:** generally used to refer to situations in which some or all aspects of the rental relations do not conform to legal, official or regulatory norms i.e. the structure is not made with conventional construction materials; there are no lease agreements in place; the rental takes place within an informal environment such as an informal settlement or “squatted” building. This can sometimes be equated with another term, ‘**backyard shacks**’, which in essence is reference to the informality of materials used to construct the unit. However, many backyard units are constructed using permanent materials.
- **Secondary or subsequent dwellings²:** this refers to units constructed on a property in addition to the main home or primary dwelling and are not on an individual plot or stand in the title scheme/cadastre, and can be located within, attached to, or separate from, the principal dwelling. In many cases, the term secondary should not be taken to mean that there is just one other unit but rather the relationship between these units and the primary

² For example, in-situ upgrading and phased development of subsidised housing may well result in the first, temporary or smaller unit produced by the household becoming the unit that is rented out once the core unit is completed.

residence. Within the secondary dwelling typology there are further sub-categories such as:

- *Ancillary Units*³ which are seen as buildings that are dependent i.e. share some kind of right to a dwelling used for residential habitation such as access to common facilities such as kitchen, laundry or bathroom, and that rely on the main dwelling for services, access and parking facilities. Ancillary units are generally close to the main dwelling (typically where a garage would be located, a short walk away) and appear as part of the dwelling rather than a separate building.
- *Accessory Dwelling Units*, that include rooms, backyard cottages, coach houses. These are secondary dwellings and are generally considered to be "self-contained." This implies that they have a separate entrance and have access to separate toilet, bathing, sleeping, cooking and living facilities.
- **Sharing:** is a term often used to describe arrangements that deviate from single family houses and from apartments occupied by single households. Research completed in the United States indicates that sharing often works best when people share out (i.e., alternate the use of) common facilities, and when interior physical spaces are reserved for separate households as much as possible. Within the spectrum of different sharing arrangements, secondary units seem to offer the most potential for privacy and separation of this sort (Hemmens et al, 1996).
- **Slums:** In certain areas, backyarding can lead to slum-like conditions in which there are concerns around the nature of the units, their material, density, location, legality or access to services. However, backyarding does not automatically imply slum-like conditions.

Using these different and often misleading terms interchangeably in policy discourse leads to a misrepresentation of this accommodation sub-sector, the tenure and shelter conditions it provides and human settlement benefits and potentials it can offer⁴. Critically, many of these terms polarise (often negative) views about this important, complex and poorly understood housing sub-market. This, in turn, can lead to inappropriately conceived policy responses.

Given the above different terminology, it becomes clear that a universal definition must be more nuanced in order to deal with the complexity of backyarding accommodation typologies as well as provide a more balanced understanding of the phenomenon. Thus the definition needs to distinguish between:

- the **delivery system**⁵, that refers to the processes through which backyard accommodation in all of its forms is provided and procured. This would encompass the full backyard

³ Sources:

http://www.homeimprovementpages.com.au/article/getting_approval_to_build_a_granny_flat#ixzz2NWVTZSVI

And http://www.kingborough.tas.gov.au/webdata/resources/files/Ancillary_Units.pdf

⁴ This can be likened to referring to the often-held public perception that the private taxi industry in South Africa is undesirable, dangerous, illegal and exploitative transportation, rather than focusing on what it can deliver (that is, privately-managed, accredited, state-sanctioned, affordable mass transportation). The conventional perceptions emphasise the negative outcomes, rather than the positive prospects for this industry and how to improve the outcome of the delivery system.

⁵ An accommodation delivery system is a specific mechanism through which accommodation is developed, and comprises the outcomes from the range of supply-side and demand-side pressures, policies and supports that affect that system. For instance, subsidized housing provision, social rental housing provision, private rental housing provision, informal settlement and financed housing development are all different delivery systems through which housing is provided.

accommodation typology, including backyard shacks, formally constructed rooms, second dwellings, both approved and unapproved by municipalities, across all areas including low-income townships and high-income suburbs and a range in between;

- the **accommodation outcome**, that refers to the objective definition or description of the accommodation form and type. For example, whether the accommodation is built with formal/durable or informal/temporary materials; whether it is conventionally or unconventionally constructed, its size and the level of services it has, the nature and security of tenure associated with it and the rentals charged; and
- the accommodation **quality** produced, which is a subjective perception of acceptability and illegality in relation to currently defined norms, standards and regulations relating to human settlement.

It is only by separating these three elements that an informed response can be developed to the potential of this delivery system as a viable approach to the procurement of affordable rental stock, and through which responses can be developed to the many different forms that such accommodation takes. This provides the ability to distinguish between actual outcomes, and the perception or official sanction of these, and to build a response that takes these differences into account.

Core defining elements of backyarding are therefore as follows:

- *It is generally a small-scale activity, seldom exceeding a few units per property⁶, although it is one of the largest housing sub-sectors in South Africa.*
- *It is produced on privately owned and privately held or controlled land, i.e. this includes privately owned land and land that is state-owned, yet occupied by private individuals⁷.*
- *Such stock is procured and managed by private individuals⁸.*
- *Accommodation is generally occupied by separate households⁹, as well as extended family members and kin-networks through private rental treaty¹⁰, according to conditions set out in a formal (written) or informal (verbal) agreement.*

⁶ In certain locations such as Orlando East in Soweto, Johannesburg, densities of up to 18 units per property have been recorded. However, densities of one to three units per property are most common (Gardner, 2004). In addition, if regulated appropriately, prevalence (proportion of properties that have rental rooms) and density (number of units per property) could be maintained at acceptable levels.

⁷ This includes privately-held or owned land, with a wide range of tenure types including freehold, leasehold, rental, allocated by traditional authority, or a part of a phased tenure process. It also includes situations of public ownership where occupants of public accommodation control access to backyard accommodation, such as in Municipal housing estates in Cape Town and Johannesburg.

⁸ This definition specifically excludes corporate production of housing. However, an applied form of such accommodation could be larger-scale production by small-scale landlords. This is however considered to be a separate delivery system, worthy of separate consideration. Generally this requires some form of corporate entity, the separation of the landlord from the rental units, more formal systems and procedures for managing the units and the occupants, and different procurement and financing mechanisms.

⁹ This can include any separately identifiable households, including single person households such as students, unmarried people, single parents with one or two children and couples, migrant workers, widows/widowers, people with dread diseases needing proximate care. If such accommodation does not house a separately identifiable household, it should be considered to be an extension of the main house. However, where family members or relations form separate households as described above, this should be seen as a discrete dwelling unit housing that household, although this may not lead to a rental payment for that unit.

¹⁰ While accommodation is often allocated at no cost to family members or bartered for services, this is still subject to clear lease conditions such as period of occupation, basis of occupation, rental charged, services to be rendered in lieu of rental or in

- *Units are predominantly utilised for residential habitation, but a proportion are also utilised for retail and commercial activities such as stores, small service activities or manufacturing*¹¹. (Gardner, 2010).

Therefore, in short, a definition for this sub-market that is gaining acceptability is “**Small-scale private rental**” (Gardner, 2010). However, for the purposes of this report, the term ‘backyarding’ will be used as set out in the Terms of Reference.

2.2 Typology of Backyard Accommodation

Using this definition, small-scale rental or backyard accommodation produces a range of accommodation typologies that are all outcomes from the same set of processes.

- Room Sharing, generally within the primary dwelling, by a separate household;
- Secondary Shacks (constructed from temporary materials, such as corrugated iron, wood, cardboard, plastic, etc) and Rooms (constructed from conventional materials such as brick or block and mortar, as well as by less conventional means such as concrete panels and prefabricated systems), having access to external, generally shared ablutions;
- Self-contained Units (basic living units having private access to basic services such as toilet and basin);
- Second Dwelling Units, such as the “garden cottage” and “granny cottage” often associated with middle and upper-income neighbourhoods, workers’ quarters, converted garages; and
- Small-scale tenements (multi-room structures, generally comprising rooms with shared ablutions, either single or multi-storey constructions, and at times replacing the primary structure on the site) but still controlled and maintained by private individuals.
- Commercial and retail spaces, housing a wide range of activities including shops, salons, service providers and small scale commercial operations.

Various studies¹² have found that a proportion of homes and backyarding structures are produced for, or are changed from residential uses to small-scale retail, service, manufacturing and commercial activities. This includes, for instance, small retail activities (‘spaza’ shops, airtime sellers), taverns (shebeens), catering or food production, service hubs (telecommunications, printing, internet café’s), childcare centres, salons, appliance or car repair centres and manufacturing activities (including welding, metalwork, woodworking). However, despite these extremely interesting and important uses, the focus of this report is on the processes that develop accommodation for residential rental, in keeping with the focus of the Terms of Reference¹³.

addition to rental and house rules (Gardner, 2004). Where this is not the case, such a unit is considered a part of the primary dwelling.

¹¹ The focus of this report is on residential accommodation. However certain considerations in relation to other uses of backyard accommodation will also be outlined. It is not currently known what proportion of secondary structures are used for retail and commercial operations, and this is also likely to vary from area to area. Shisaka (2006) found that on average 13% of township residents are using their houses for commercial, retail or service provision or production, but did not ascertain whether the primary or secondary structures were used.

¹² For example, Department of Human Settlements / FinMark Trust / Shisaka (2006).

¹³ It is acknowledged that the dynamics, challenges and concerns of commercial activities in relation to backyard structures requires further study in order to add to the body of knowledge commenced with the Department of Human Settlements / FinMark Trust / Shisaka (2006) study. Some other work has been completed on this issue i.e. Rubin and Karam, et al, 2009.

2.3 Backyarding: a South African Phenomenon?

It is often believed that backyarding is a developing world phenomenon with features that are unique to South Africa, especially in relation to the informal nature of the dwellings and the unregulated relationships between landlords and tenants. However evidence from other countries including developed nations such as Norway, Canada and the United States, as well as other developing nations such as Mexico, Brazil and India, indicate that these features exist in a number of other contexts. For example, a study in Montreal reveals that informal “understandings, non-monetary exchanges (especially of labour), ethnic and other kinship networks, and a lack of former legal mechanisms and contracts characterized the market for flats within “triplex” houses and other mixed-tenure housing. This “local-amateur” (or informal) housing economy provided units for far lower rents than the rental housing supplied by the formal economy. Hardman (1996) cites evidence that in the mid-1990s only 57% of rental housing stock in Boston was owned by professional investors. She argues that the other, local-amateur-owned 43% of rental units, which includes a significant though unknown proportion of secondary units, is “critical to meeting the city’s need for modestly-priced housing” (Wegmann and Nemirow, 2011: 8). Therefore backyarding should not be seen as a less “modern” or uniquely developing world phenomenon but rather as a clear response to a set of housing needs/demands and as a livelihood response, which is universal in its application.

2.4 Factors of Supply and Demand

The backyarding sub-market operates according to normal factors of supply and demand, very similar to those that drive other accommodation sub-markets. Furthermore, this sub-market is potentially responsive, and therefore vulnerable to interventions. Therefore, it is important that supply- and demand-side dynamics of the sub-sector are understood and considered before interventions are proposed. This will ensure that the functioning of the sector and its social and economic role in the lives of poorer people are not negatively impacted.

From the demand side, there are a number of basic motives for the development and sustained growth of backyarding, which include:

- Lack of Alternative Accommodation Options: High accommodation demand and low relative accommodation supply forces households to access the only readily available housing supply.
- High Effective Demand¹⁴: Low levels of affordability, the inability to obtain finance and the limited provision of other housing products (subsidised or for purchase) ensure a high demand for the more affordable, readily available backyard accommodation.
- Rental Preference: Demand from households who do not want to own accommodation. This may include young people, people who already own accommodation, and those needing temporary accommodation options.
- Small Home Preference: There is a growing movement internationally towards reducing overall accommodation size, due to rising costs of accommodation, transport and ancillary living costs such as service charges. For instance, anecdotal and some primary research evidence points to a rising proportion of households in South Africa that do not necessarily

¹⁴ Effective demand is the interplay between the ability to afford accommodation, the ability to access accommodation and the willingness to occupy the accommodation. Therefore, low effective demand in other sub-markets (such as subsidized housing, which is constrained by stock availability) and financed housing (which is constrained by affordability) contributes to high effective demand for the relatively more affordable, and readily available, backyard units.

want to obtain and take responsibility for a subsidised house at a specific point in their lives and prefer smaller, more affordable and more flexible accommodation options with flexible tenure.

- Household Sizes and Structures: Smaller households dominate those seeking backyard accommodation and living in informal settlements. Further, a reduction in average household sizes in South Africa over the last two decades drives demand for accommodation more relevant to smaller households. Where a household is in their “life-cycle” also determines what is or is not appropriate.
- Formal Housing Exclusion: Demand for backyarding is also driven by households or individuals unable to access formal, or state-subsidised accommodation such as residents without citizenship or permanent residency permits, illegal residents, people who have already accessed subsidised accommodation and those that are ineligible for such accommodation by virtue of being, for instance, too young or with no dependents.
- Multi-Nodal Households: Many households face requirements for dual or even multiple accommodations in different areas, due to economic or social requirements. This includes the need to be located close to places of employment, kin, schools or other social facilities.

In terms of the key factors affecting the supply of backyard accommodation, there are two main motivations for the provision of backyard accommodation:

- firstly, landlords that build and rent accommodation for monetary gain (which is generally formally constructed), or provide space on their properties (generally for the construction of shacks by tenants) for which a regular rental is paid; and
- secondly a social motivation through which backyard units or yard space is provided to enable family or friends to access accommodation.

There is a concern that relationships between landlords and tenants in profit-generating rental situations can be exploitative. Within the minds of the South African public and government, Watson (2009) identifies “the stereotype of the greedy landlord, building rentable units and extracting maximum profit from them” and providing sub-par accommodation in return. There is also a general perception that landlords can be ‘shack farmers’, putting up as many backyard units as possible in order to gain monetarily. There is evidence to suggest that in some informal settlements, ‘shacklords’ claim some form of right or authority over land and use this to extract ‘rent’ or ‘protection money’ from households. However research findings¹⁵ suggests that in relation to considerations of arbitrary eviction, affordability, tenant-landlord relations and profit maximisation, the majority of backyard rental-relations in South Africa do not conform to these negative stereotypes, although incidences of exploitation do exist. The majority of backyard accommodation is of reasonable quality, provides access to basic services¹⁶ and is a relatively well (albeit informally¹⁷) regulated market providing affordable rentals and relatively secure tenure. It must be stated, however, that cases of exploitative rentals, arbitrary eviction and irregular or no access to services do occur in this sub-market, as they occur in others.

¹⁵ These findings are synthesised from a number of sources, including Sigodi Marah Martin, 2002; Gardner, 2005, Finmark / Shiska, 2006, Carey, 2009, Watson, 2009 and Gardner, 2010.

¹⁶ Generally, backyarders have at minimum access to shared toilets, water and an electricity connection. There is currently little information on the extent of free-basic service provision to households occupying backyard structures, and it is believed therefore that most backyarders are currently required to pay for services.

¹⁷ Gardner, Carey and Watson’s work indicates that the market is generally regulated via verbal agreements between landlords and tenants. Few formal leases are signed, and most disagreements are resolved through discussion, and at times through referral to an external person such as a community leader or councillor.

Evidence in SA cities suggests that 80% of renters have been in their accommodation for 5 years or more and there are relatively few evictions (Watson, 2009: 5), which seems to indicate both substantial satisfaction with the accommodation as well as a dearth of alternative accommodation. Evictions are relatively rare and Carey's study reveals that they often take place when the space is needed for a family member. Furthermore, despite a lack of regulation generally relations between owners and renters are good¹⁸. Renters are very often extended family members or are part of broader social networks. Research shows a great deal of sharing and mutual support between landlord and renter families. When conflicts do occur, they are dealt with internally, rather than resorting to formal legal channels. Renting can therefore offer as much security as ownership (Carey, 2009).

Informal renting is generally affordable to a lower and middle-income people. Importantly, unless accommodation is provided free to kin, backyard rental requires a regular rental payment, which in turn generally implies backyard occupants are regular income earners. In fact, Gardner (2006) found that on average tenants in township areas have higher average incomes than landlords. In addition, evidence of the ability to deal with temporary financial problems exist through flexible payment arrangements. Sometimes payment is also in kind rather than cash: renters perform services for owners such as childcare, cooking, cleaning, security, help with a business etc. Rentals are regulated by factors of supply and demand, meaning that there is variability depending on normal factors such as location, size and quality of unit and availability of alternative accommodation in surrounding areas. However, generally rentals are affordable, and this sub-market provides market rentals lower than any other formal rental markets. In many backyard situations, and most commonly in informal settlements, renters are paying for the use of land, services but build their own shelters.

However evidence from a range of studies indicates that most small-scale landlords on average "have one or a few units for rent and are not profit-maximisers. They do not view renting as a business, but rather as a way of supplementing income, supporting family members, or gaining some help at home. Renting is a low-risk and simple way to generate some income" (Watson, 2009). There is also substantial evidence to suggest that owner-occupied rental properties are generally more highly maintained than rental properties owned by absentee landlords (Sternlieb, 1966; Krohn et al, 1977). More recent evidence indicates a rise in the prevalence of landlords specifically maximising the number of rental units developed for financial gain in well-located areas, through the development of tenements.

In terms of accommodation as some type of social welfare or care for an extended family, the above demonstrates that there are often but not always close ties between tenants and landlords. These networks should not be under-estimated and in other contexts backyarding can be a strategy for ensuring "care in the community" for the elderly, or disability. To add a further dimension to the debate, there is some evidence that "On a neighbourhood scale, there is some support for the idea that communities with a fine grained mix of owners and renters – a particular form of mixed-income communities that includes but is not limited to secondary units – can help promote neighbourhood stability" (Wegmann and Nemirow, 2011: 8).

The site visits to Diepsloot, Soweto, Alexander and Cosmo City in Johannesburg and Grassy Park, Du Noon and Khayelitsha in Cape Town also reveal that in many cases backyard

¹⁸ See Bank (2007) on the changing nature of this relationship and the greater power of tenants when they have built their own shelters. A 2005 survey in Duncan Village showed 70% of households reporting no conflict.

dwellings are inhabited by both paying tenants and paying and non-paying kin, which seemed to be perfectly acceptable to all concerned.

2.5 Densification, infill and over-crowding: How Much is Too Much?

Anecdotally there has been a serious concern around the contribution that backyards make to over-crowding and increasing densities beyond what installed infrastructure can cope with and which increase the risk of communicable disease and social pathologies (Department of Human settlements, 2010). In some cases, small samples from Alexandra and Diepsloot, where up to 15 informal units were counted on some plots¹⁹, these concerns certainly do seem valid. However, in more controlled circumstances, either through state control or social sanction, backyarding can make significant contributions to densification and infill, which are clearly sought after as planning and sustainable human settlement goals.

Densification is understood as: “The increased use of space both horizontally and vertically within existing areas/ properties and new developments accompanied by an increased number of units and/or population thresholds. Incremental densification refers to small-scale densification which is almost invisible, e.g. the subdivision of a residential property or the construction of a second dwelling” (City of Cape Town, n.d.). Compaction is seen as compaction and the curbing of sprawl is not to convert our urban areas into a large uniform high density, compact zone, but rather to restructure the built environment in such a way that it becomes more efficient, more equitable and more convenient for its residents while at the same time promoting high quality living environments (Tshwane, 2005: 8).

The NPC identifies “9. New spatial norms and standards – densifying cities, improving transport, locating jobs where people live, upgrading informal settlements and fixing housing market gaps” as one of its critical actions. The Commission proposes a national focus on spatial transformation across all geographic scales and notes that “Increased urban densities to support public transport and reduce sprawl”. Furthermore, densification is a key strategy for the large metros and Cape Town, Tshwane and Johannesburg all include issues of densification and compaction as key spatial interventions.

Box 1: The Compact City

The Resource Document on the Chapter 1 Principles of the Development Facilitation Act, 1995 (published by the National Development and Planning Commission) explains this principle as follows:

“The concept of the compact town or city establishes an urban, as opposed to suburban or township, model as the dominant model of development. It does not deny the provision of lower density, larger plot houses for those who can afford it, provided that users pay fully for the full range of externalities associated with this form of development. Further, in terms of the principle of reinforcement, larger plot holdings should be used structurally to impact positively on higher densities, more intense, living conditions by providing places of visual relief. The compact city takes as its starting point scaling settlements, in the first instance, to people moving on foot and, in the second, to the achievement of efficient public transportation. This does not mean ignoring the demands of motor cars: movement systems must be able to accommodate these as well. It does mean, however, that car movement is not maximised or prioritised.”

¹⁹ Evidence taken from site-visit to Diepsloot, 12.03.2013

Densification therefore facilitates sustainable settlement planning through more efficient use of spatial resources including bulk service infrastructure, energy sources and most importantly, an ever-decreasing supply of well-located land (City of Johannesburg, 2010, webpage). In lower density or more sprawled settlements, the development of backyard units can be an important process through which densification is achieved. There is evidence from other contexts of the benefits of densification and infill, which include:

- Smart growth advocates argue that directing growth to infill locations can help preserve open space while reducing traffic congestion, air pollution, and energy use, and bringing new investment into existing communities (Danielsen, Lang, & Fulton, 1999; McConnell & Wiley, 2010).
- Infill development brings new residents and investment to existing neighbourhoods, creating new opportunities and stabilizing tax bases (Danielsen et al., 1999; McConnell & Wiley, 2010).
- Development that fosters mixed-income communities may help address poverty by promoting neighbourhood safety and attracting new municipal services to a neighbourhood (Joseph et al., 2007).
- Infill increases density without changing neighbourhood characteristics; fosters multigenerational living and aging in place; and provides homeowners with a legitimate source of rent income, all in a package with a low environmental footprint.

Infill can also be related to other planning instruments and mechanisms and Johannesburg and Cape Town amongst other cities have focused on Transit orientated development, which is Infill that takes the form of transit-oriented development (TOD) – relatively dense, mixed-use development within walking distance of a transit station – may be particularly likely to result in reduced auto use and higher rates of transit ridership, walking, and bicycling (Arrington & Cervero, 2008; Dittmar & Ohland, 2004).

However there are some serious concerns around infill via secondary dwellings, which is the cumulative effect of many secondary dwellings in a suburb resulting in increased number of cars parked on-street, reduction of private open space and backyards, greater site coverage leading to increased run-off, and an additional demand on infrastructure services.

2.6 Inclusionary Housing Policy and Backyarding

A further instrument of spatial restructuring that is high on the international agenda is that of Inclusionary housing or inclusionary development. This approach initially emerged in the USA in the 1970s and then spread to other, mainly developed countries. According to Calavita and Mallach (2010, p.1), the “term refers to a program, regulation, or law that requires or provides incentives to private developers to incorporate affordable or social housing as a part of market-driven developments, either by incorporating the affordable housing into the same development, building it elsewhere, or contributing money or land for the production of social or affordable housing in lieu of construction”.

Todes, et al (forthcoming) argue that in South Africa, national initiatives to develop inclusionary housing policy came about as a response to concerns that too little had been done to redress the fragmented and divided apartheid city, and that a more interventionist approach was required (Narsoo and Tomlinson, 2007, DOH, 2007). Policy initiatives flowed out of the new 2004 Comprehensive Plan for Sustainable Human Settlements, ‘Breaking New Ground’ (BNG),

which called for the creative use of planning instruments to promote densification and integration (Narsoo and Tomlinson, 2007). At a 2005 'Housing Indaba', government and key private sector stakeholders signed a Social Contract for Rapid Housing Delivery, which stated that "every commercial development including housing developments that are not directed at those earning R1500 or less, spend a minimum of 20% of project value on the construction of affordable housing²⁰ (currently defined as housing targeting households earning between R1500 and R8000 per month)" (Department of Housing, 2007).

The intention was that a national policy would be developed in order to redress these spatial dysfunctions, however a national policy has never been forthcoming. Only the City of Johannesburg and Ethekewini Municipality have developed local policies, which have seen significant NIMBY and legal challenges.

Backyarding, if properly regulated, may also be able to address some concerns around how to ensure social, economic and racial inclusion. Work completed by Charlton (1994), demonstrated how domestic quarters in wealthier and "whiter" areas in Durban were beginning to be rented out by lower income, "non-White" residents as strategies of accessing economic opportunities and social amenities such as schools and clinics. In doing so, organic forms of integration were taking place. Such activities should be supported if cities are to move away from their existing Apartheid geographies (Bierman and van Ryneveld, 2007).

2.7 Infrastructure Capacity: Service Provision and Expansion/Overload

There are two main concerns related to densification and service provision: on-site access by occupants to adequate services, and over-use of existing infrastructure networks. Thus there are legitimate concerns around the number of people utilising toilets, taps, drains and cooking facilities on a specific site and across neighbourhoods. In worst case scenarios there are situations in which backyard households are unable to consistently access formal ablutions and potable water sources. There are however more circumstances in which access is inconsistent.

For instance, in a case study of four settlements in Cape Town, in all cases backyard dwellers were allowed to use the toilet on the property. If however the toilet inside the home was not available, then the neighbour's toilet may be used or any receptacle that could act as a chamber pot was used. The contents of such receptacles were often disposed of in the storm water drain. On the day of the home visit, 58% of toilets were found to be non-operational. In terms of electricity, backyarders may create illegal connections from the main house, and on average pay between R50 to R200 per month for electricity usage. Regarding water supply, the study found that two-thirds of backyarders pay the landlord between R20 and R100 per month for water, in spite of the City providing the first 6000 litres of water for free each month to all households. There were also significant numbers of cases in which landlords did not pay for water. Backyard inhabitants fetched water from the main house and stored the water in a bucket in the shack. The study also found that:

²⁰ This definition varies to some extent between documents and upper ranges are sometimes much higher. However it reflects an attempt to target what might be seen as the 'working poor' and lower middle occupations such as nurses, shop workers, clerical staff etc – those earning rather more than the groups targeted for RDP housing. House prices needed to be within a range of R50,000 to R350,000, and rentals between R600 and R3000 per month (2007 prices) (Department of Housing, 2007).

“The sanitary state of the yard outside the dwelling was classified as poor in 76% of the premises inspected. In 68% of cases there was no waste bin inside the dwelling. Household disposal of sewage from chamber pots and soiled baby diapers was inappropriate in 21% of cases (mainly into the storm water drain and in the street). In addition, 22% of households disposed of their solid refuse on the street. Fifteen percent of respondents said that nothing will happen if rubbish is thrown into the toilet. All of the respondents in the survey complained of pests carrying potential health risks within their immediate home environment. The respondents from all four communities reported their most prominent pest problem was rats by 50%, cockroaches by 30%, fleas by 16% and flies by 4%. Flies were observed in all homes, indicating the presence of flies were under-reported”.

Thus the supply of on-site services is a keen concern and clearly linked to questions of what is possible within the supply of services from the state and how landlords and tenants can access these. International experience indicates that “By and large, adding a secondary unit does not require a homeowner to assemble property, conduct an Environmental Impact Report, or replace local infrastructure”, however this statement would seem to need to be qualified depending on the original infrastructure and level of density. There are reports of both Sandton, inner-city Johannesburg and Hillbrow/Yeoville in Johannesburg suffering from overloading due a change in land use from commercial to residential and from one household per unit to shared facilities (Winkler, 2012). In 2008, reports of "Recent cases of raw sewerage flowing on the streets represent another example of infrastructural inadequacy, which should fall on the shoulders of local authorities." And that Sandton was “heading for a crisis with regards to infrastructural demands within the Sandton CBD” (Property24, 2008).

In comparison, however, there are many incidences of suburbs with significant numbers of backyard units where infrastructure is coping with the added pressure. There is also a need to take into account the effects of decreasing household sizes on engineering service capacities. Household sizes have decreased on average by 25% between 2001 and 2011 countrywide (Census, 2011), which at least in theory equates to a reduction in service capacity requirements of the same amount. Given, too, that the average household size of backyarders is less than that of normal households (probably closer to two people per household), the additional burden of new backyarding units is not proportional in service capacity terms to the number of households added to an area.

From our own research there was a sense from a number of the officials that we interviewed that in some areas, the original infrastructure had been significantly over-specified and would be able to handle significantly higher densities than at present. However, this was not true of all settlements, as seen from the Hillbrow and Sandton cases mentioned above, in which case retrofitting of the existing infrastructure may be needed. Retrofitting as a strategy is still contested and although precise figures can only be calculated on an area-by-area basis as to what retrofitting would cost, there are some additional cost-benefit line items that would need to be included in the overall calculation, which may provide another lens:

- Infrastructure upgrade requirements independent of needs created by higher densities
- Costs to health for poorer populations if infrastructure is not retrofitted
- Transport costs associated with urban sprawl, which would include the necessity of new roads, water drainage as well as dependence on fossil fuels, which is a declining resource

- Climate change adaptation and mitigation is a key concern to making citizens and cities more resilient and changes in infrastructure has been identified as a key intervention to ensure this outcome.
- The relative costs of new infrastructure installations in lower-density greenfields developments, if backyarders were to be housed in new, subsidised freestanding accommodation.

Thus retrofitting is an expensive enterprise but may be able to address a range of issues simultaneously. As normal infrastructure networks reach their useful design life, retrofitting often becomes unavoidable, and designing in additional capacity is relatively less expensive than providing new infrastructure networks.

A further infrastructure consideration is that all new settlements should be designed to cater for an expected level of densification upfront. Incurring this additional capital cost up front will create a platform for planned and desirable densification via backyarding processes over time, which will then not require alterations to service capacity over time.

2.8 Accommodation Standards: Does Size Matter?

Size of accommodation is a key concern in housing literature and there are international standards around what is appropriate or not. Smit (2008) noted that out of the wide variety of housing options, “Rented rooms, backyard shacks and rented shacks in informal settlements generally have the least amount of space. ...The sizes of RDP houses and plots are often smaller than the largest shacks and sites in informal settlements, but they obviously have much more space than rented rooms or backyard shacks”.

The accommodation produced through these processes is generally desirable as it satisfies two key requirements: first, it is relatively secure rental tenure,²¹ second, it provides tenants with access to basic levels of service²². Critically, these two elements comprise the core focus of the Millennium Development Goals’ requirements for the eradication of slums. The accommodation produced is variable in size, from small single rooms to large, multiple-room dwellings²³; the type of construction (made of informal or impermanent materials through to conventionally constructed) varies, as does the standards of accommodation (from not meeting any recognised accommodation standards to complying with all norms and standards fully); and the number of units per stand (single unit per stand to multiple units) also varies. However, the small-scale rental market is currently sufficiently diversified in most areas, that households can find the combination of affordability, access to services and quality that best suits their needs, and that is seldom offered by any other sub-market, whether subsidised or not.

There has been a recent international movement towards micro-housing as a response to declining space and resources, and often as households seek a more sustainable and simpler life i.e. lower direct (rental / financing) and indirect (heating/cooling) costs, as well as simplified living arrangements (e.g. cleaning requirements). Smaller units require better internal design to ensure, especially for families, private spaces, differential use spaces as well as access to a

²³ Whereas very small rooms and shacks do occur (say, 4m²), rooms are on average 6m² to 16m², even in lower-income areas. Sizes do extend to fully self-contained, multiple-room housing units.

better public environment (Heavens, 2007). Box 2 provides a set of examples and cases of different types of micro-housing options, demonstrating some of the best and worst aspects of micro-housing.

Another practical consideration is the decreasing average size of South African households. From an average household size of 4.2 in 2001, it is down to 3.1 people in 2011 (that is, a reduction of 1.1 people per household, or 25% smaller). Average household sizes of people in backyard accommodation are on average significantly smaller than this. But even averages can also be misleading: Gardner (2008) provides a rough guideline that roughly one third of backyarding households comprise single people, one third are two people households, and one third are three and above member households. Households of this size generally do not require nor wish to maintain and pay for large living spaces. Smaller households are also often headed by single income earners, meaning affordability is another key factor limiting the size of the structure demanded. In short, if there was effective demand for much larger accommodation, the market would demand it and landlords would supply it.

Box 2: The good, the bad and the ugly of micro-housing

The Good...

Just because a house/home is small does not mean that it is inadequate or unacceptable. There are a number of movements advocating for smaller housing: “The Small House Movement has been around for years, encouraging people to think about how much house they really need. But lately it has attracted more attention. “It seems like a perfect convergence of a bad housing market meeting a bad economy and more awareness about global warming,” claims Jay Shafer” (The Economist, 2009).

Case 1: Hong Kong



This 330-square-foot apartment in Hong Kong transforms into 24 different room combinations.

Size: 330ft². **Location:** Hong Kong,

Gary Chang, an architect in Hong Kong, turned his family's tiny 330-square-foot tenement apartment into a sleek and efficient living space with 24 different room combinations, including bathrooms, kitchens, living rooms, and even a guest bedroom area. So, how does he do it? Chang installed a number of sliding panels which he can move around the space to reveal hidden areas and storage. It's a system he calls the "Domestic Transformer."

Case 2: New York

Size: 300 ft². **Location:** New York,

Last July, New York City Mayor Michael Bloomberg revealed a plan to create studio apartments that will be no more than 300 square feet. These apartments, which Bloomberg proposed to construct in the Kips Bay area of Manhattan, could be an affordable housing solution for young professionals and could hold a kitchen, bathroom, living area, and sleeping area. The affordability is debatable, however, as the micro apartments will still cost around \$2,000 a month to rent.

Source: <http://www.businessinsider.com/the-tiniest-houses-on-earth-2013-1?op=1#ixzz2NtrPVbCi>



The Bad and the Ugly

Small, however does not necessarily mean sustainable or comfortable as these images from Hong Kong reveal. The Society for Community Organisation (SoCO) has released a set of overhead images of low-income families, singletons, elderly and unemployed people living in urban slums to highlight the housing problem in Hong Kong. These images indicate the dangers of poorly designed higher and medium density housing.



Images from Hong Kong of a family of three, who live and cook within this space and a single man living 28m² with shared ablutions and communal kitchen facilities

Source: The Telegraph:

<http://www.telegraph.co.uk/property/propertypicturegalleries/9888398/Overhead-photos-of-cramped-apartments-in-Hong-Kong.html?frame=2489581>

3. Statistics: Patterns and Trends²⁴

Informal rental is a vitally important housing sub-market in South Africa and offers a critical source of accommodation for low income and middle-income households in our cities and towns. Census 2011 indicates that a quarter of all South African households now rent their accommodation, and that both formal and informal rental is increasing rapidly. Further, informal rental markets create accommodation opportunities for two thirds of all households not able to access formal accommodation, and the rental market is now at least on par with ownership as an accommodation strategy for households in South Africa. In addition to this, it is the backyarding sub-sector that ensures that around 100 000 new affordable accommodation opportunities annually are occurring within existing areas, actively promoting densification, better utilisation of existing resources and the development of small scale entrepreneurs.

Backyarding is a pragmatic solution to a range of societal changes and conditions that cannot and will not be resolved by continuing with current human settlement programmes. These include accommodation of a growing number of one and two member households, households ineligible for subsidisation, multi-nodal households, the growing preference for rental accommodation, and those requiring temporary or short-term accommodation solutions (including students, traders, contract workers, work seekers).

3.1 Accommodation Types

In 2001, around 2.4 million (19%) South African households rented their primary accommodation. Over one third (35%) of these renters (850 000 households) occupied small-scale rental units. This equated to just under 10% of all South African households (SHF, 2008). However, initial data from Census 2011 indicates that the proportion of renters has grown by 32% between 2001 and 2011, to 25% of all households.

Figure 1 illustrates the breakdown of housing tenure per income group for all South African households in 2007²⁵. The graph shows the number and proportion of households within different monthly income groupings that own and rent accommodation. To the left of the central axis, indicated by negative numbers in the table, blue indicates formal owned accommodation and green indicates traditional tenure). Households that rent are indicated on the right of the central axis. Yellow indicates formal rental accommodation, orange indicates backyard accommodation, red indicates informal settlement and purple indicates people in hostels.

This graph shows the important role that formal rental (yellow) and backyard rental (orange) play, especially for households earning less than R7 000 per month (the lowest two bars).

The Census 2011 figures indicate that, of all households, 1,25-million (8,7%) live in backyarding units / second dwelling units. This comprises households living in accommodation within the main census sub-categories of:

- Flatlets, servants quarters and 'granny flats' (119 000 / 0,8%);

²⁴ Statistics in this section are taken from initial statistical releases for Census 2011, and compared against previous census data. However, the full Census 2011 statistical release is not available yet, so certain detailed analyses and cross-checks cannot be undertaken at this stage. Therefore, information in this section should be viewed as indicative.

²⁵ Unfortunately, statistics are not yet available to analyse this for 2011.

- Formal houses, flats and rooms in backyards (423 000 / 2,9%); and
- Informal backyard rooms (713 000 households / 4,9%).

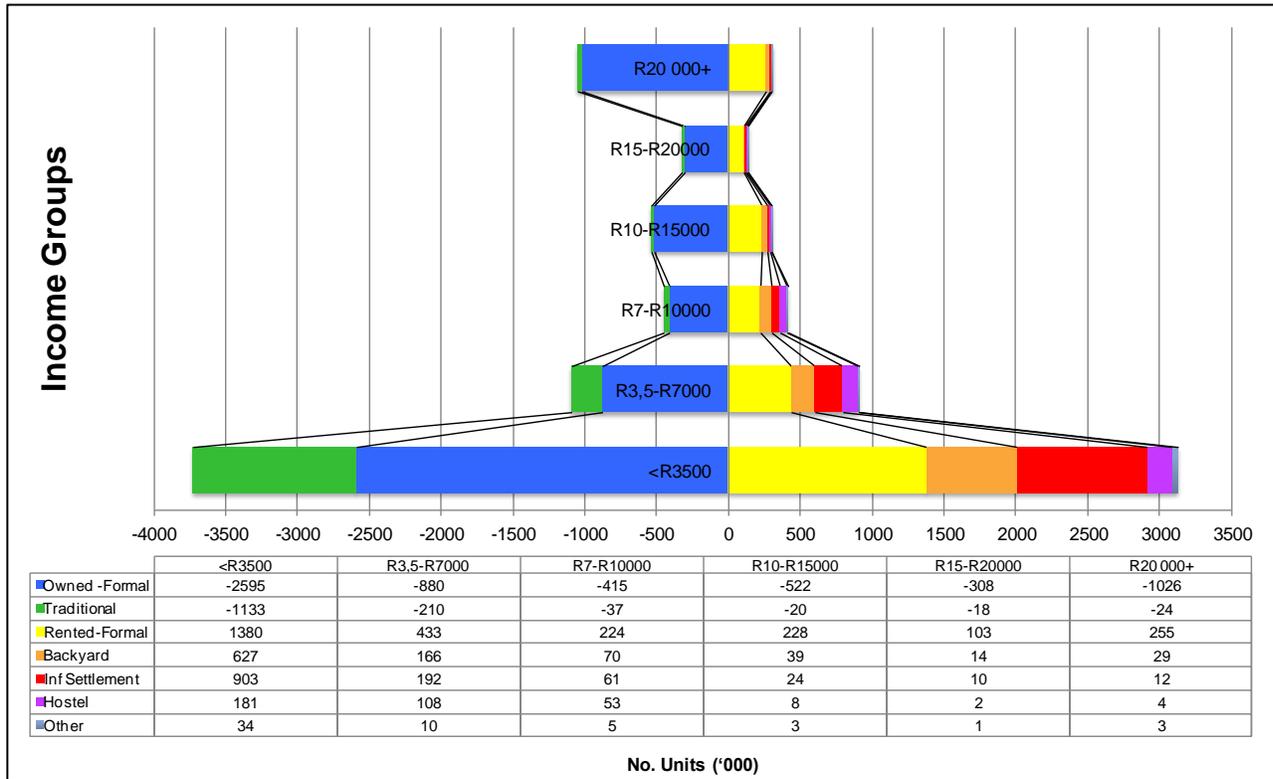


Figure 1: Tenure & Accommodation Type in South Africa (Census, 2007)

This is illustrated in Figure 2. Unfortunately, updated Census 2011 data is not yet available to illustrate the changes in the numbers of all categories of renters up to 2011.

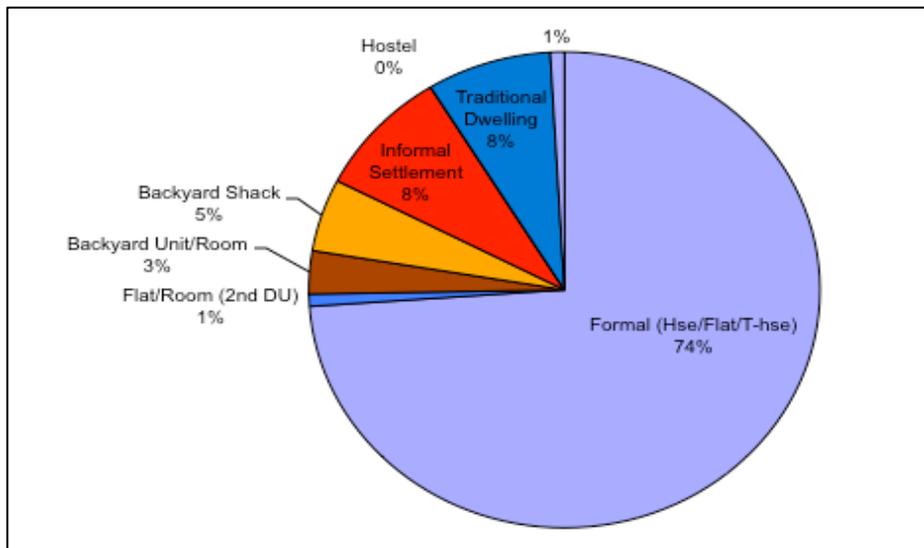


Figure 2: SA Housing Types (Census, 2011).

3.2 Growth of Backyarding Sub-Sector

Backyarding plays a dominant role in accommodating households that are not able to access formal accommodation in South Africa. Figure 3 illustrates the relative size of, and growth in households accommodated in second dwellings, formal backyard structures, informal backyard structures and informal settlements in 2007 and 2011.

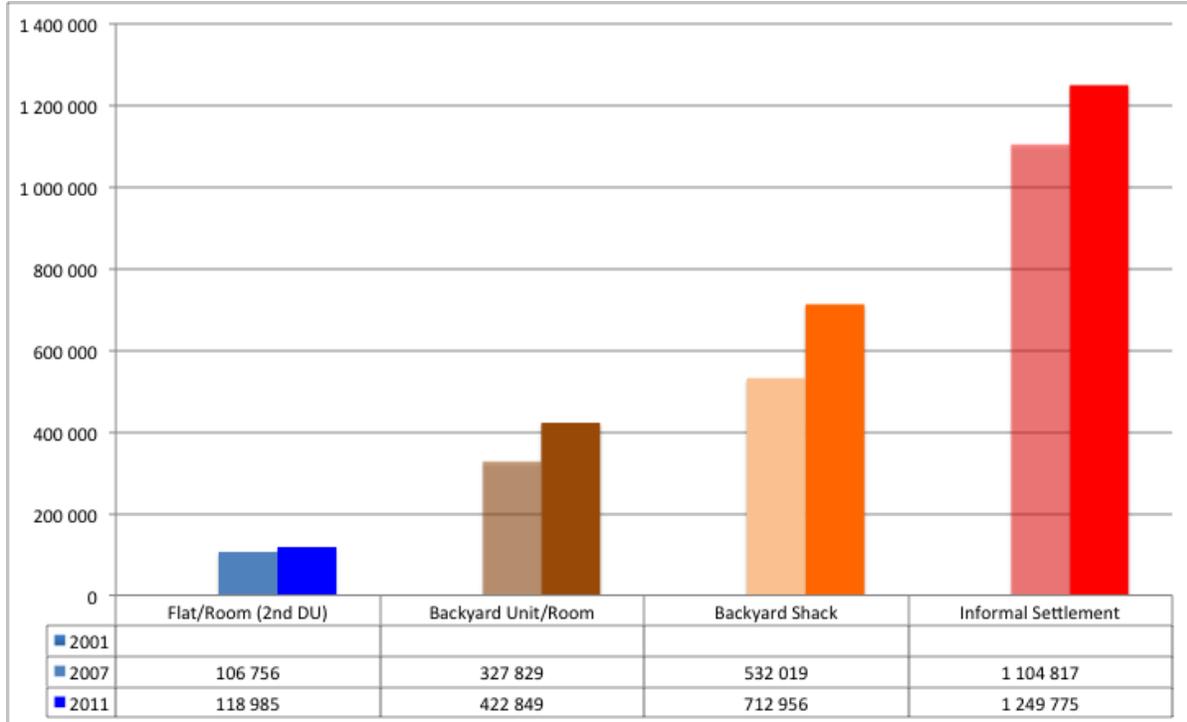


Figure 3: Growth of Backyarding and Informal Settlement (Census 2007 & Census 2011)

Currently, the 1,14-million households living in backyard rooms (422 849 units) and shacks (712 956 units) are generally considered as a part of the housing ‘backlog’²⁶. But, contrary to popular perception, 43% of all backyard structures are formally constructed (second dwellings and formally constructed rooms), with the balance (57%) being informally constructed (shacks)²⁷. As discussed in the previous section, many of these backyard structures have relatively secure tenure and access to at least basic services (water, sanitation, energy supply). This indicates a much better supply of, and quality of accommodation than initially considered or expected.

²⁶ Note that this excludes the 119 000 households living in second dwelling units, cottages and ‘granny flats’.

²⁷ It is important to note that the census does not indicate durability or quality of construction. Therefore, only general indications of quality can be ascertained from ‘shack’ and ‘unit/room’, which are formally constructed. A conventionally or formally constructed room could be of very poor quality, while a shack (built of wood and corrugated iron) could be very durable and safe.

3.3 Household Absorption

South Africa's formal government subsidised housing programme absorbs a large proportion of households every year. However the development of subsidised housing is insufficient to cater for all new households created annually, and the balance find accommodation in the other sub-markets indicated above (formal second dwellings, formal and informal backyard units and informal settlements). Figure 4 below illustrates that, of all households not absorbed into formal housing, backyarding has absorbed two thirds of new households between 2007 and 2011 (288 000 households), which is exactly double the number absorbed into growing informal settlements (144 000 households).

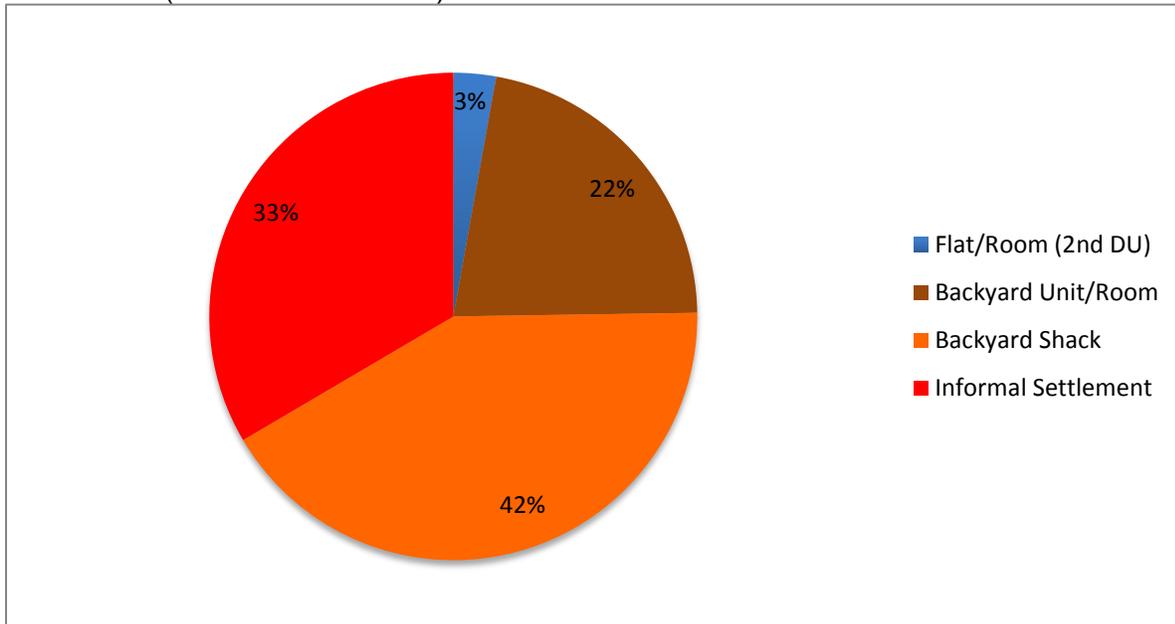


Figure 4: Absorption of Households Not Formally Housed (2007 to 2011)

This means that this sub-sector has created an average of 72 000 additional accommodation opportunities per annum between 2007 and 2011, double the number added to informal settlements (36 000). In comparison, subsidised housing has delivered an estimated 120 000 units per annum over this period. This implies that the backyarding markets deliver between one quarter and one third of all new affordable accommodation opportunities per annum.

3.4 Backyarding across Income Sub-Markets

Figure 5 shows South Africa's 'Housing Backlog' per household income sub-market (2007), and the large proportion of these households that reside in different types of formal and informal accommodation. This illustrates the vital role that second dwellings, formal and informal backyard structures and rooms play in providing accommodation for people across a wide income spectrum. Given that this is a normally functioning housing sub-market regulated by supply and demand factors, it is not surprising that a much greater number and proportion of backyarding occupants are in the middle income categories (household incomes from R1600 to R12 000 per month).

This is also a clear indication of the important role this sub-sector plays in accommodating people who are unable or unwilling to access formal accommodation, either because they are on the waiting list for subsidised housing, because they fall into the 'Gap' market and have no effective demand for bonded housing, or because formal housing does not meet their accommodation needs.

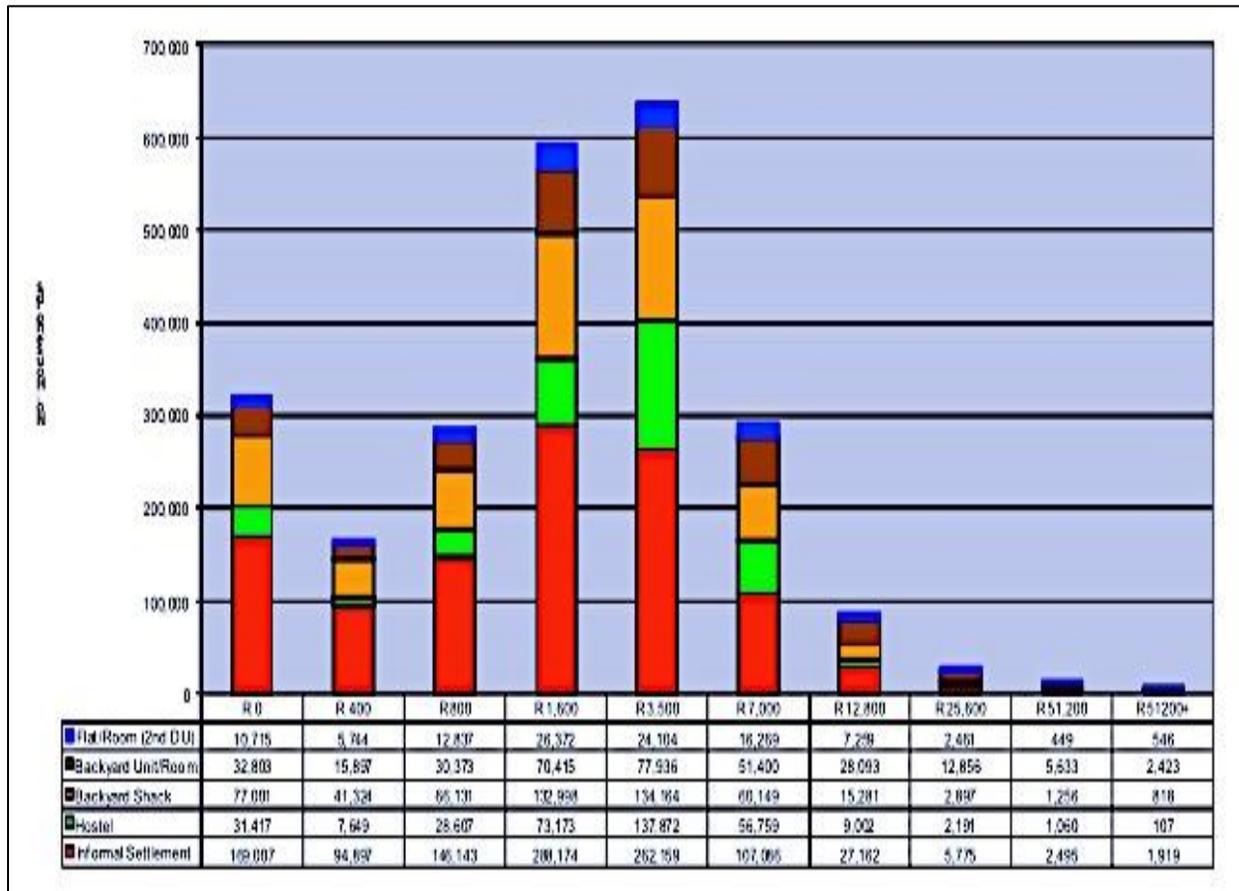


Figure 5: Household backlog by Income and Housing Type (Census, 2011)

3.5 Backyard Household Profiles

Census data is not yet available to enable a detailed analysis of the conditions within the backyarding sub-sector. However, previous census data and other studies provide a useful basis for analysis. Most importantly, as South Africa's average household size decreases (from 4.2 in 2007 to 3.1 in 2011), so this decreases the average household size in backyard accommodation. As discussed earlier in the document, previous analyses (Nurcha, 2006) indicate that on average, households in backyard rental included around one third single-person households, one-third two-person households and one-third three or more member households. This is likely to have decreased further.

Furthermore, there is insufficient data on the demographics and profile of the backyard sector and there are only the broadest indications of how the sector is comprised and by whom. Much of the current information is based on a set of studies that were conducted in the early 2000s i.e. the Township Residential Property Markey Study (2004), and Sigodi Marah Martin Report (2002). These findings are informative but would require further testing to see if they still hold true, especially given the major demographic and human settlement changes in South Africa over the last decade. Generally it is known that tenant households living in backyards are smaller and younger than households in subsidised houses and occupants of older township stock. Backyard occupants are also more likely to be employed, and have higher incomes than many backyard landlords (Watson, 2009; Gardner, 2006). Moreover, backyard households demonstrate higher rates of vulnerability in the sense that they are more likely to be women, single parents, foreigners, and/or recent urban migrants. Conversely in older township areas the landlords were predominantly female, retired or close to retirement age, low income and long-term urban residents. Thus there is a clear gendered angle to backyarding in both its demand and supply. Backyarding also seems to be providing important social safety nets and social capital for landlords and tenants, and there are indications that more recently backyarding is being used to re-form broken social and filial relationships through bringing families and relatives closer together.

4. Local and International Precedents and Case Studies

The research undertook both desktop and primary research in order to establish the existing situation with respect to formal and informal backyard rental in South Africa. This section provides overviews of 14 South Africa case studies, and three international case studies. Case studies were identified that demonstrate a range of different outcomes from, and responses to backyarding. These include situations in which backyarding has spontaneously produced different outcomes in informal settlements, townships and suburbs. In addition, a wide range of responses to backyarding by provincial and local governments are included, along with three specific international case studies.

Table 1 below provides a summary of the case studies presented in the following sections.

Table 1: Case Study Framework & Overview

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS1: Kennedy Road Informal Settlement Backyarding	Existing Informal Settlement	Informal settlement	No	N/A	Informal units.
CS2: Diepsloot Township Re-Formalisation	Existing RDP Township	Formal low-income RDP township	No	None. Urban planning & controls not enforced	Informal units at high densities.
CS3: Du Noon Tenement Development	Existing RDP Township	Formal low-to-middle income RDP township	No	None. Urban planning & controls not enforced	Formally constructed double-storey multi-unit developments.
CS4: Grassy Park Second Dwelling Densification	Existing old Apartheid Satellite Suburb	Formal Middle-Income Suburb	Yes - Municipality	Urban planning controls & enforcement	Formally constructed self-contained units.
CS5: Yeoville / Berea Change of Urban Form	Existing Old Suburb	Formal Middle-Income near-city suburb	No	None. Urban planning & controls not enforced	Formally constructed multiple units
CS6: Alexandra Renewal Project Urban Upgrade	Existing old Apartheid Township	Formal Settlement / Informal Settlement / Slum Conditions	Yes - Municipality Province National	Multi-faceted investment in planning, infrastructure, housing & resettlement	Formal and Informal. Very high densities
CS7: Orlando East Urban Improvement	Existing old Apartheid Township	Formal Settlement	Yes – Municipality Province	Urban Investments to improve livability of high-density area	Formal and Informal. Range of densities
CS8: Orlando & Zola Backyard Pilot Project	Existing old Apartheid Township	Formal Settlement	Yes - Province	Backyard gentrification through subsidies	Formal units (top structure & services) to replace informal units.

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS9: Cosmo City Controlled Backyarding	Existing & New Integrated Development	Formal RDP area proximate to bonded housing	Yes – Municipality, via developers	Urban Planning controls	Formal rooms with shared ablutions & self-contained.
CS10: Alex K206 Subsidised Rental Room Programme	New RDP Township	Formal, medium density RDP housing	Yes – Municipality & Province	Subsidy for provision of rooms for rent	Rooms with ablutions integrated into med density RDP development.
CS11: Facreton Municipal Housing Backyard Servicing	Existing Old Municipal Housing Area	Formal Municipal Housing Area.	Yes - Municipality	Regularisation & link & internal infrastructure reticulation & service provision to backyard units.	Mainly informal.
CS12: Ekurhuleni EMM U4G Entrepreneur Development Plan	Informal Settlement Upgrading Programme Planning	Plans for ISUP Implementation	Yes – Municipality & National (not implemented)	Integrated framework for encouraging entrepreneurial backyard activity.	Not implemented
CS13: Kokstad Integrated Sustainable Development Plan	Medium Size Town	High-Income, Medium-Income, Low-income Township & RDP Township.	Yes – Municipality	Town-wide Integrated Sustainable Development Plan development & implementation	Being Implemented. Will provide for densification via backyarding.
CS14: Northern Cape Resettlement & Rental Entrepreneurs	New Affordable Settlement Plan	Newly planned low and mid-income resettlement area.	No.	Baseline planning includes provision of backyard units to provide additional accommodation & as income generation strategy.	In planning. Will develop formal second dwellings for rental.
ICS1: London Social Landlords Programme	Implemented	All rental housing	Yes	Registration, oversight and maintenance of standards of rental providers	Formal rental units provided in the city.
ICS2: Massachusetts Zoning	Implemented	Covers full state.	Yes	Pro-active, liberal zoning to encourage development of affordable multi-family housing.	Formal multi-family structures on single stands.
ICS3: Seattle Backyard Cottage Programme	Implemented	All Neighbourhoods	Yes	Pro-active planning approval for applications for development of separate backyard units	Self-contained second dwelling 'cottages'
ICS4: Chile Plot Densification Programme	Implemented	Low to middle income formal settlement	Yes	Provision of double storey steel frame and services for secondary unit infill	Implemented. Multiple units constructed in one area.

4.1 Existing Situations of Backyarding in Informal Contexts: No Intervention

4.1.1 Case Study 1: Kennedy Road, Ethekwini - Backyarding in an Informal Settlement

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS1: Kennedy Road Informal Settlement Backyarding	Existing Informal Settlement	Informal settlement	No	N/A	Informal units.

Background

Kennedy Road²⁸ is an informal settlement in the Ethekwini Metropolitan Municipality. It is well located, close to an industrial area, a landfill and a middle-income neighbourhood, all of which provide incomes and livelihoods to many of the approximately 9000 residents.

The settlement has undergone some upgrading, and the Urban Foundation provided a layout plan and a general plan, and provided 106 resident households with a designated plot and a shared pit latrine in the mid-1980's. The original plans included large-scale relocation of most residents, and ended in significant protests and unrest due to the lack of participation and engagement. However, over the intervening 20-30 years the area has grown significantly and much of the settlement is now informal, with residents having a range of tenure options including informal ownership, informal rental and looking after friends/residents places. Backyard rental has increased, especially over recent years.

More recent attempts at addressing informality in the settlement have resulted in the residents and municipality co-constructing a register of entitlement to future housing in which Senior Citizens, who are original dwellers or have been in residence since at least 1987; residents who are on the 2001/2002 registration list, newcomers who have arrived post 2001/2002, and people who have RDP houses elsewhere but who have returned to the informal settlement.

Conditions

- Backyarding in the informal settlement often provides shelter for kin generally from rural areas and is a strategy to generate some income.
- Densities within the settlement are very high, approximately 2300 households and it is located on a steep hillside.
- The vast majority of units, irrespective of tenure, within the settlement are constructed from temporary materials.
- Backyard renters are generally newcomers to the settlement and thus according to the community cannot be upgraded in situ but will need to be relocated.
- The average cost of renting a room is between R150-R200 per month depending on what services the room has access to.
- Backyarders have access to very similar services as the main/primary residential unit i.e. generally illegal connections to water, electricity, etc.

²⁸ Royston, L., and Rubin M., 2008: Local Land Registration Practices in South Africa. Urban LandMark, Scoping report, http://www.urbanlandmark.org.za/downloads/Local_Land_Registration_Practices.pdf

- Backyard households are also able to utilise the public facilities and amenities in the settlement.

Approach

- There is informal land use management in the settlement by a democratically elected residents committee known as the Kennedy Road Development Committee. The state has numbered the shacks in the settlement but at the time of writing had not actually intervened within the settlement.
- Informal/backyard renting is managed by the Kennedy Road Development Committee who have attempted to curtail and limit rental within the settlement, arguing that since the primary/original households have not paid to settle why should the newcomers.
- Informal renters and landlords are required by the Kennedy Road Development Committee to register new renters on a locally maintained register of residents.
- Over the last few years Ethekwini has planned to upgrade the settlement with a combination of in situ upgrading, de-densification and relocation of the settlement. However there is serious contention over the ownership of the land, which at the time of conducting the research had not been fully resolved.

Current Status

- The settlement plan is scheduled on the City's 2012/2013 informal settlement and human settlement plan and some relocation and de-densification has taken place.
- There have been allegations of intimidation and violence around the relocation process that is currently the subject of a court case. .
- There is a powerful social movement located in the Kennedy Road, *Abahlali Basemjondolo*, which originates in the Kennedy Road Development Committee and has promoted public protest to demand better interim services and permanent housing²⁹.

Key Issues

- This case study indicates the difficulties facing backyard renters within an informal settlement. While rentals are low, access to services and backyarders' position in the developmental hierarchy are tenuous.
- Current conditions in the settlement are very poor and due to the high densities and lack of services, fire and communicable disease are constant risks.
- The settlement is very dense and located on a steep hillside, which makes in situ upgrading difficult and means that not all residents will be able to remain on the site if and when the settlement is upgraded. This has implications for backyarders who are generally more recent settlers and thus will have a higher likelihood of being relocated once the development plans are fully implemented.

²⁹ Ethekwini Municipality website, Calm Returns to Kennedy Road Informal Settlement , http://www.durban.gov.za/media_publications/Press_Releases/Pages/Calm>Returns-to-Kennedy-Road-Informal-Settlement.aspx 11th September 2012

4.1.2 Case Study 2: Diepsloot, Johannesburg - From Formal Stock to Slums

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS2: Diepsloot Township Re- Informalisation	Existing RDP Township	Formal low-income RDP township	No	None. Urban planning & controls not enforced	Informal units at high densities.

Background

Diepsloot is a subsidized RDP settlement located to the north of Johannesburg. It provides a typical example of the process of “re-informalisation” of a formal, subsidized housing settlement. The population of Diepsloot mainly comprises people who were moved there in two waves by the state: first, people who had been removed from the Zevenfontein informal settlement proximate to Dainfern Golf Estate in 1995; and second, in 2001 the Gauteng government moved about 5000 families to Diepsloot from the banks of the Jukskei River in Alexandra.

Backyarding is used as a strategy by residents to respond to the very high demand for shelter and accommodation in a well-located settlement that is growing rapidly, but has very few formal public facilities. Households with formal units rent out spaces and shacks to earn extra income and provide much-needed accommodation in an area that has limited low-income housing opportunities.

Conditions

- For Zevenfontein residents, 1124 plots were made available as a temporary solution. Diepsloot was intended as a transit camp until such time as a more permanent solution was found. However, these households were never moved from Diepsloot.
- To date, 4 900 RDP houses have been constructed in Diepsloot and another 737 housing stands with water and sanitation facilities have been allocated.
- Diepsloot is now home to about 150,000 people; many of them live in small shacks (3m by 2m) assembled from scrap metal, wood, plastic and cardboard.
- Some families lack access to basic services such as running water, sewage and rubbish removal.
- Thus there are effectively about 6000 formal units for 150 000 people, with average densities per formal property of approximately 25 people.

Approach

- There have been plans to build housing on an adjoining site, in order to de-densify Diepsloot through the relocation of households. However, despite these plans being in place for at least five years, development has not yet begun.³⁰
- Little effort has been made to control informal development in Diepsloot. This has led to the massive in-migration and re-informalisation of the area by backyarders.

³⁰ Harber, A., 2011: *Diepsloot*, Jonathan Ball, Johannesburg



Figure 6: Diepsloot Backyarding – High Densities

Current Status

- There are a number of housing projects in Diepsloot driven by provincial and local government. The majority of the plans are for greenfield developments on new sites close to the area rather than in situ upgrading.
- However there are also some Enhanced People’s Housing Process projects which include in situ upgrading of 1100 units.
- There has been some work undertaken by architects³¹ to consider in situ options that could include development options for backyarding and commercial activities. To date, these have not been tested.
- There are plans for Diepsloot to benefit from R1.6 billion of investment in a joint venture between the Gauteng Provincial government and Century Property Development Company to establish an industrial park proximate to the development³².

Key Issues

- Diepsloot’s position along Johannesburg’s Urban Development Boundary is problematic, and thus the potential for expansion is severely limited (ULM: 38).
- Diepsloot is in a prime location and thus land is expensive, which poses problems for extending the township, especially because there are competing claims on surrounding land for private, for-profit driven development.

³¹ Discussions can be found in Poulsen, L and Silverman, M, 2012: *The South African Informal City* The Architects’ Collectivem Johannesburg

³²City of Johannesburg, 2013: Diepsloot to get a R1.6 billion industrial park http://www.joburg.org.za/index.php?option=com_content&view=article&id=8528:diepsloot-to-get-a-r16-billion-industrial-park&catid=88:news-update&Itemid=266#ixzz2RUF1JR4E: 26th February 2013

- The high densities and large amount of backyarding has meant that the conditions in the settlement are poor, even for those households that have received subsidised housing. The layout on plots are often organic and responsive, and access to services is gained through the primary dwelling or illegally.
- This case study indicates the importance of maintaining urban control in areas where investments have been made in urban infrastructure and housing. Once a settlement reaches this stage of “re-informalisation”, it is extremely difficult to reverse the high densities, decline in service delivery and living environment.
- The case study is also indicative of the extreme pressures facing occupants of subsidised housing in well-located settlements from others wishing to make use of the good location. The extremely high backyard densities in this settlement versus other more peripheral settlements indicate the market forces at play in this market.

4.1.3 Case Study 3: Du Noon, Cape Town - The Rise of the Tenements

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS3: Du Noon Tenement Development	Existing RDP Township	Formal low-to-middle income RDP township	No	None. Urban planning & controls not enforced	Formally constructed double-storey multi-unit developments.

Background

This case study illustrates the increasing prevalence of spontaneous tenement development by private property owners in Du Noon, a well-located, subsidised housing settlement outside Cape Town. Tenements are multiple-room developments with shared ablutions on one site, used for generating rental. Du Noon is an RDP development located approximately 20Km from central Cape Town, but proximate to an industrial park offering much needed employment to the community.



Figure 7: Du Noon Tenement Construction Photo Credit: Wolff Henrich

Conditions

- The settlement is small and relatively compact, but due to the lack of alternative accommodation in the area and the proximity to employment, it has a very high prevalence of backyarding.
- Over twenty incidences of tenement construction have been identified within Du Noon. These are generally 90% to 100% coverage, double-storey constructions incorporating from ten to twenty rooms with shared ablutions.
- Rooms are on average 8m², but vary from 6m² to 13m². Rentals are on average R700 per month, which equates to per square metre rental rates on par with central Cape Town rentals, including common spaces.

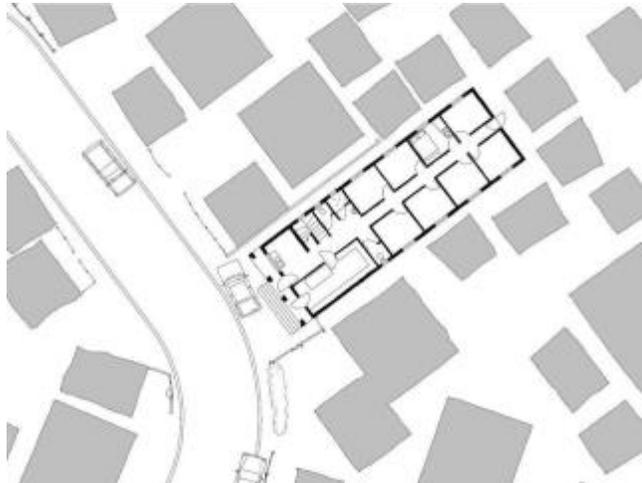


Figure 8: Du Noon Tenement Conversion on an RDP Property Image Credit: Wolff Henrich

Approach

- Due to high accommodation demand in good locations, private landlords identify the opportunity to redevelop properties to provide multiple rental units with shared ablutions.
- This usually entails demolishing all structures on site, and constructing rows of double storey rooms with shared ablutions along the boundaries of the property.
- Landlords mostly continue to occupy accommodation on site, and personally manage the tenants.
- Many are developed on an incremental basis, indicating that personal sources of finance are used, and income from initial units is used to develop further units. It is not clear whether formal financing (bank loans) have been used by any of the landlords.

Current Status

- The tenement trend seems to be growing rapidly within Du Noon. It is not known whether the increase in densities is having any effect on crowding, service capacity and pressure on social facilities.
- Most tenements do not have formal planning permission and are built contrary to existing town planning and zoning controls, and transgress a number of by-laws and building controls.

- In general, however, most tenements seem to be well-constructed, and generally safe to occupy. There are incidences of poor quality construction and electrification.
- The high per square metre rentals, and high urban densities being generated by these developments are useful indicators of how such processes could reshape existing, well-located settlements over time.

Key Issues

- Tenement blocks are a regular occurrence in many developing countries. However, few have spontaneously developed in South Africa until recently.
- Tenements offer an excellent approach to densifying urban environments, and providing affordable rental accommodation.
- This case study indicates the necessity for municipalities to control standards of multi-storey structures, in order to ensure the safety of residents.
- Protection of the rights of surrounding landowners is another consideration. These structures generally cover the whole site, and overlook neighbouring properties.
- As the pressure for the development of tenements increases, specifically in well-located subsidised housing areas, the need to pro-actively plan for such structures must be considered. For instance, the possibility of providing larger sites, with different zoning, should be considered.

4.2 Existing Situations of Backyarding in Formal Contexts – No Intervention

Backyarding processes provide the impetus for the provision of accommodation in existing formal areas. The case studies below show how these processes have been used to build quality accommodation in existing areas, both within and outside of the law.

4.2.1 Case Study 4: Grassy Park, Cape Town - Organic Densification in a Middle Income Suburb

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS4: Grassy Park Second Dwelling Densification	Existing old Apartheid Satellite Suburb	Formal Middle-Income Suburb	Yes - Municipality	Urban planning controls & enforcement	Formally constructed self-contained units.

Background

This case study indicates how natural densification processes can assist to improve urban functioning and densification over time. Grassy Park is an historically ‘Coloured’ suburb developed to house Group Areas Act displacees from designated ‘white’ areas in Cape Town’s suburbs, including Constantia.

Conditions

- The suburb is a middle-income, low-density suburb. It is well-located in respect of access to Cape Town's wealthy suburbs and central city.
- Over time, owners of the free-standing units have added secondary structures. Most of these have been developed with approved plans, and include separate second dwellings, converted garages and house extensions.
- Through these organic processes, approximately 75% of all Grassy Park properties now have secondary structures. These units accommodate extended family, aging parents or young couples. The vast majority are rent-payers. In a number of instances, as owners have aged and children have moved on, the secondary unit has been occupied by them, and the house has also become rental property.

Approach

- A controlled urban management approach has been implemented in this area. Residents have been required to have plans developed and approved prior to developing secondary structures.
- This has ensured a gradual response to increased pressures and accommodation needs facing the community over time, including changes to affordability, the ability to house aging parents, and offering greater accommodation opportunities to young families.

Current Status

- Grassy Park still has significant potential for densification through the development of secondary accommodation. Given the design of its infrastructure, it is unlikely to face any engineering service constraints. The suburb has good quality services, and infrastructure shows little signs of strain from the increased densities to date. Social facilities (parks, schools, etc) are also not overcrowded, indicating that densification is unlikely to create unmanageable problems.
- The City of Cape Town's new blanket second dwelling unit policy may assist to catalyse this process. This extends a primary right to all city properties to construct one additional dwelling on their property. Exact conditions and implementation of this policy are not yet clear, but according to officials at the City of Cape Town, this policy has now been approved.

Key Issues

- Grassy Park is an example of how old neighbourhoods can respond to new urban needs and pressures experienced by their occupants. This process of developing second structures has contributed upwards of 50% to the number of households accommodated in this area, with little loss of amenity.
- Pro-active city planning and building control processes can guide this form of neighbourhood change over time, in order to adapt to new socioeconomic conditions. However, it is important to recognise that planning and building control processes can also constrain such positive natural processes if they are not carefully considered and well-constructed.
- Indications are that many elderly couples, with little other accommodation opportunity, are able to continue living in their historical neighbourhoods due to the income they generate from their properties. Without this, many might be forced to seek cheaper, and worse, neighbourhoods and accommodation.

4.2.2 Case Study 5: Yeoville / Berea - Change of Urban Form in a Near-City Neighbourhood

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS5: Yeoville / Berea Change of Urban Form	Existing Old Suburb	Formal Middle-Income near-city suburb	No	None. Urban planning & controls not enforced	Formally constructed multiple units

Background

Some of the older areas of Johannesburg such as Berea, Cyrildene, Observatory³³, which were planned and built as single-family units on larger plots, have seen significant densification. Observations are that many homeowners are building formal units with either shared or personal ablutions and cooking facilities for rental.

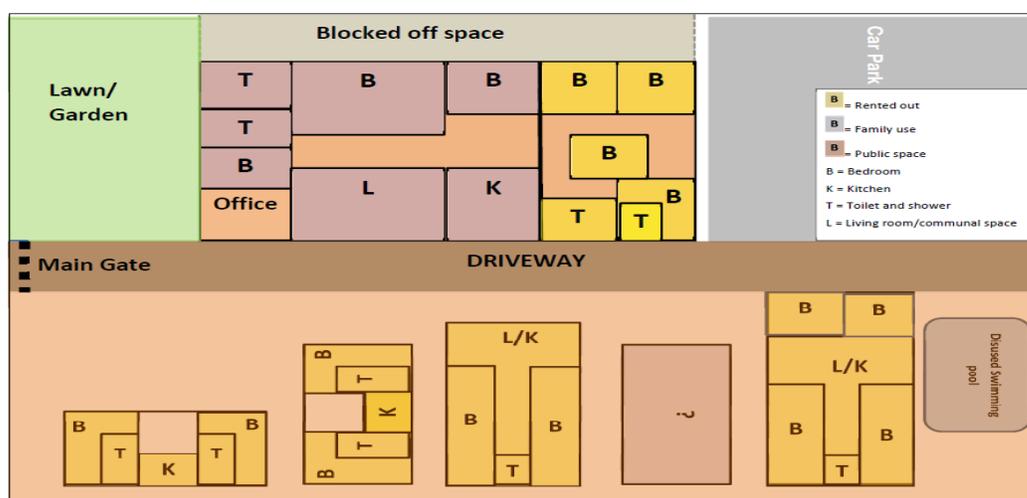


Figure 9: Modifications to a plot in Berea, Johannesburg (all units in orange are additional formal dwellings)

Conditions

- Homeowners are responding to the dual drivers of increased demand for rental accommodation, particularly in the older areas of Johannesburg, from migrants and immigrants and the opportunity to generate and diversify household incomes in what have been difficult financial times.
- For many of the landlords the income from their rental units is complementary and people have jobs (full-time/part-time and piece jobs) elsewhere.
- Renters are paying a minimum of R1000 including services in Berea
- Although the quality is variable, the majority of rental units are formally constructed brick and mortar units, with sufficient light and ventilation. This case study focuses specifically on the Yeoville/Berea area.

³³ The data from this section was taken from the Yeoville Studio project conducted at Wits, site visits and interviews with the City of Johannesburg planning department and the Trust for Urban Housing Finance.

- Most units are formal structures with access to either shared or private ablutions and cooking facilities. The structures vary widely in size but evidence suggests that there are generally more than two, particularly in Berea, where four and more were the average.

Approach

- Many existing landlords consider backyarding as a way of coping with high rates charged on large properties.
- Although the municipality is aware of these units there is uncertainty as to their number or prevalence. Most of these units are constructed without planning approval or formal building plans.
- Thus far there has been no attempt to address backyarding in older, formal areas of Johannesburg from the Municipality's point of view.

Current Status

- There is no research to indicate the precise numbers or prevalence of these backyard units in older parts of Johannesburg.

Key Issues

- Significant attention has been paid to backyarding in townships, upgraded informal settlements and public housing stock, but less thought and analysis has been given to the densification of these formal, slightly higher income areas.
- There is insufficient research and data on this phenomenon and its extent and whether and how it needs to be addressed.
- The small-scale landlords in these areas also at least anecdotally seem to be responding to key demand in ways that are sustainable and aid in densification and infill options. However there are question marks against the accommodations quality, the implications for services and urban management when these additions are made without planning permission.
- The sector seems to be growing but since there is opacity around the dynamics of this form of housing, there is no clarity on precisely what response/s should be considered.

4.2.2 Summary of Issues associated with a lack of key interventions

From the above cases it is clear that there are some specific concerns associated with a lack of intervention into backyarding. Table 2 below provides an indication of these concerns:

Table 2: Summary of concerns arising from uncontrolled backyarding

Concerns	Health	General Risks	Municipal issues
Access to services	<ul style="list-style-type: none"> • Communicable diseases • Poor indoor air quality • General health 	<ul style="list-style-type: none"> • Fire 	<ul style="list-style-type: none"> • Illegal connections • Unpaid service provision
Construction methods/using temporary materials	<ul style="list-style-type: none"> • Lack of insulated homes leading to higher instances of respiratory disease 	<ul style="list-style-type: none"> • Fires • Dangers of building collapses, lack of stability 	<ul style="list-style-type: none"> • Not meeting building norms and standards • Higher than acceptable densities

	<ul style="list-style-type: none"> • Physical injuries 	<ul style="list-style-type: none"> • Lack of personal safety • Vulnerability to natural and human hazards 	
High densities	<ul style="list-style-type: none"> • Communicable diseases • Social pathologies 	As above	<ul style="list-style-type: none"> • Overuse of municipal services, more than threshold can bear • Plan changes without approvals • No consultation with neighbours about activities • Insufficient social and community amenities i.e. schools, clinics
Landlord/tenant relations	Relationships of exploitation	<ul style="list-style-type: none"> • Relationships of exploitation • Lack of secure tenure 	

4.3 State Intervention Into Backyarding: National Response

In the absence of a national rental policy framework, it is evident why current responses to backyarding in South Africa are very varied. This section captures the salient aspects of the approach to backyarding at national, provincial and local level.

No formal rental policy has been developed by the NDoHS, despite there having been a number of attempts to do so. At least one draft rental policy has been developed at the national level (2007/2008), but has not been implemented. While there have been legitimate reasons for the focus on ownership over the last two decades since South Africa's democratic transition, it is now imperative that such a framework is developed. Recently, the NDoHS appointed consultants to produce a framework document regarding a national rental policy and the DoHS is also currently finalising research into backyarding specifically. However, at present there is no overarching policy to guide backyarding responses.

The only national response has been a joint venture with Gauteng province and the City of Johannesburg and is described below.

4.3.1 Case Study 6: Alexandra Renewal Project - A Combined Response of National, Provincial and Local Government

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS6: Alexandra Renewal Project Urban Upgrade	Existing old Apartheid Township	Formal Settlement / Informal Settlement / Slum Conditions	Yes - Municipality Province National	Multi-faceted investment in planning, infrastructure, housing & resettlement	Formal and Informal. Very high densities

Background

Alexandra was one of the few places in South Africa that Black South Africans could own housing up until the 1960s, when the government took away their freehold titles. As a consequence households were forced to rent their former homes. The township's central location in the northern suburbs of Johannesburg and areas of employment, such as the new financial district of Johannesburg and a large industrial area, has meant that Alexandra has become one of the densest settlements in the country but with few services and extremely poor standards of accommodation. Existing properties have seen the development of high densities of backyard structures, to the point that many areas have reverted to slum-like conditions.

In response to these conditions, a renewal project was initiated in 2001 as a joint initiative of the three spheres of government, the private sector and community-based organisations. The national government allocated R1,3-billion towards the project, which aimed to improve the physical, social and economic environment of Alexandra, thereby instilling a culture of civic pride. Its aims include increased local employment, a healthier environment, affordable and sustainable services, cutting crime by 50 percent, and upgraded and additional housing in conjunction with de-densification in some areas.

Part of the project was a plan to renew and upgrade existing housing and backyard units throughout the settlement. The plan has not thus far come to fruition but the general principles and concepts set out below are useful in understanding the general approach and the issues that arose from it.

Conditions

- The City of Johannesburg estimates that currently there are 7 000 backyard units in Alexandra, at an average size of 3.42m²³⁴.
- This means that approximately 24 000 people of the 350 000-500 000 people in Alexandra live in backyard units, which is less than 8%.
- Thus backyarding does not constitute the largest proportion of housing in the township, but is a considerable factor adding to slum-like conditions, fire and health hazards.

³⁴ The household size was taken from University of Johannesburg, 2008: Johannesburg Livelihood and Poverty Study, Centre for Social Development in Africa,, Johannesburg, http://www.ncr.org.za/pdfs/Research_Reports/Livelihoods%20study.pdf

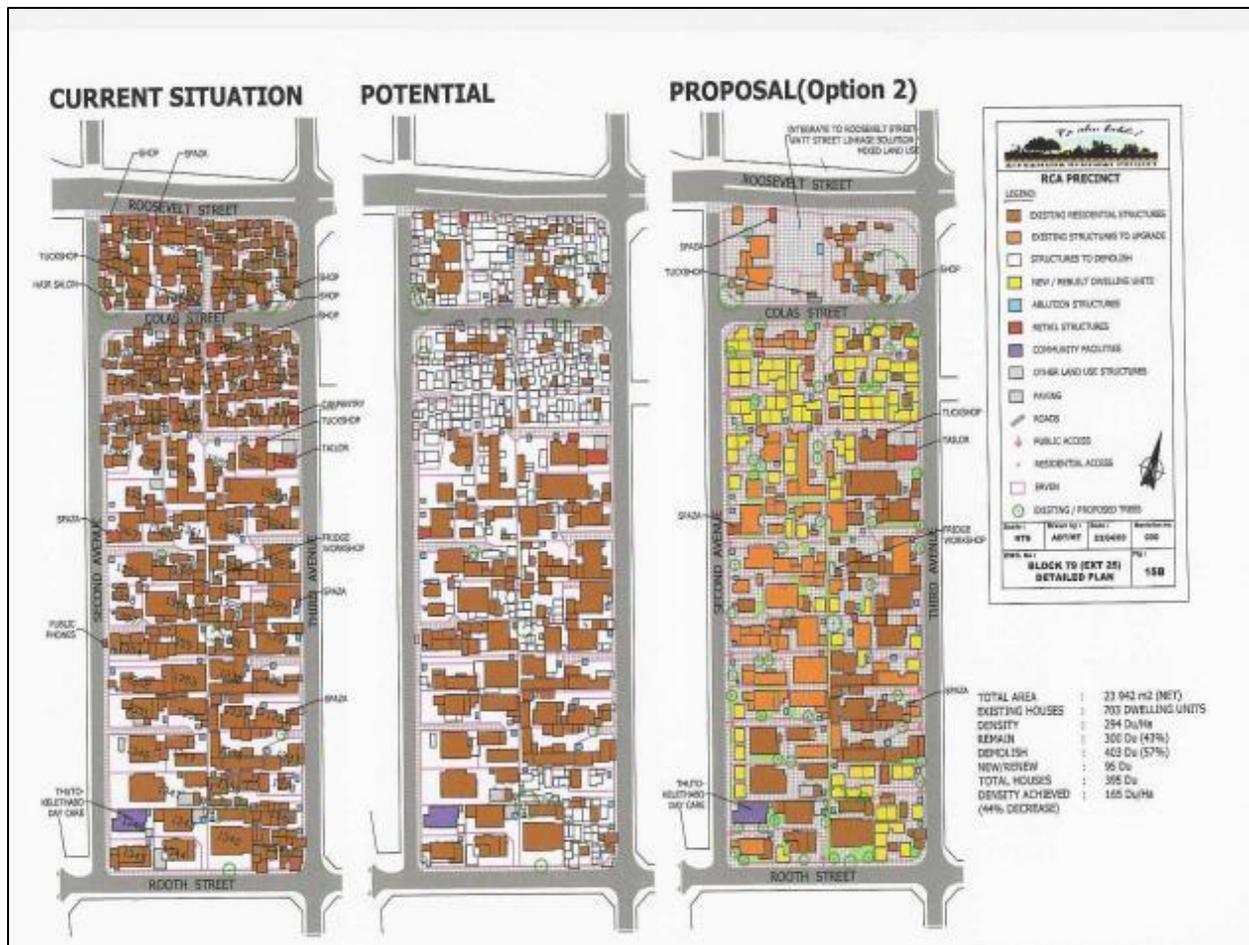


Figure 10: Alexandra Backyarding Proposals

Approach

- As an overarching principle, the team wanted to preserve existing conditions as much as possible, including structures and tenant-landlord relationships. The approach was to build and upgrade accommodation where possible, rather than relocate backyarders.
- The team undertook a set of mapping exercises to understand the urban fabric that they were engaging with: this established the quality of the units, land uses; access to facilities and amenities, etc. From this, it was which units could be refurbished and upgraded and which units required demolition and complete rebuilding (see Annexure 2).
- Flowing from these maps, the team developed a number of alternatives that included:
- Alternative 1: No Intervention: The first alternative proposed that no special intervention be applied to Alexandra in respect of reconstruction and urban renewal. In terms of this scenario, the Council would continue to manage the provision of general services such as water, sanitation and waste removal. Social services that are currently available in the area would also continue to be provided by responsible departments, NGOs and CBOs.
- Alternative 2: Minimal Intervention: The second alternative was to rehabilitate Alexandra, with the focus on addressing critical issues. These are the issues that would need to be addressed in order to create a healthy and safe living environment, such as reducing fire

hazards, increasing access to key services such as water and sanitation. As a result this alternative mainly considered mainly service provision.

- Alternative 3: Moderate Intervention: The third alternative was to rehabilitate and upgrade Alexandra so as to create an environment that is not only safe and healthy, but that is also sustainable. This would mean that critical and management related issues would be addressed and that there would be significant physical upgrading and an improvement in standards of service delivery.
- Alternative 4: Maximum Intervention: The fourth alternative is to demolish Alexandra Proper in its entirety and to reconstruct a new Alexandra. In terms of this alternative, there would need to be a total redesign and redevelopment of Old Alexandra that would be undertaken in terms of standards that are comparable with other areas in Greater Johannesburg.

The options were evaluated against each other using the abovementioned principles and on the basis of this assessment; it was proposed that Moderate Intervention Alternative was an appropriate way forward. In this approach each and every unit, primary and backyard, their access to services and their existing ownership and rights regimes and legal status were evaluated in order to see what level of intervention would be needed. After this, a plan for each site was created that would address the physical, economic and legal needs to ensure a better quality of life for each household.

Current Status

- So far, R1,2-billion has been spent on the ARP, and there are currently 26 infrastructure projects and 12 housing projects being implemented in Alexandra.
- However the backyarding project was put on hold in the mid-2000s for what were described as political reasons. Unfortunately, therefore, interventions were never implemented in relation to backyarding specifically.
- There is a recent move to re-do the socio-economic and spatial survey that was completed in the early 2000s with a view to addressing backyarding specifically.

Key Issues

- The extremely high densities of the settlement and the nature of overlapping property rights and claims, as well as a desire to ensure continued livelihood strategies and relationships, meant that a complex set of responses had to be developed in order for the team to be able to engage with Alexandra's backyarding.
- The planning for this project indicated that, even in the worst conditions, responses can be developed.
- The current status of Alexandra's development indicates that it is necessary to deal with backyarding as a core component of urban regeneration initiatives. Many areas with high backyarding densities remain close to slums in nature, and continue to be health and fire hazards.

4.4 State Interventions: Gauteng and City of Johannesburg

Generally, provinces have followed the National Department of Human Settlements lead, and have done very little in relation to Backyarding. It has generally continued to be seen as a municipal management problem as well as primarily an 'urban backlog problem' to be dealt with via eradication and provision of subsidised housing. Exceptions to this are the Gauteng, Western Cape and KwaZulu Natal Provincial Governments who have taken pro-active stances to backyarding, albeit at times not completely successful.

Gauteng Province has taken a direct interest in this sector, through the development, piloting and rollout of a backyard redevelopment programme (see below) and in 2008 developed the Gauteng Provincial Backyard Rental Policy, where the intention is to:

“Regularise the erection of backyard accommodation for rental and normalise the landlord-tenant relationship as a means of providing alternative accommodation while at the same time changing the current context of shack development”

The City of Johannesburg does not have a formal backyard rental policy but is in the process of developing one. A report has been submitted to Council to obtain approval for the Sustainable Human Settlements Urbanisation Plan (SHSUP), which aligns with the Multi-Year Housing Plan but is a separate strategy. The SHSUP is intended to be a framework for guiding the delivery of future accommodation in response to urbanisation and backyarding development within Johannesburg. The Plan has a number of intended outcomes, which include:

- Confirming formal / informal accommodation backlogs and growth projections
- Identifying strategic locations within for future residential growth
- Determining development principles
- Developing an accommodation model to assist in identifying and assessing demand and supply opportunities in strategic areas
- Providing recommendations regarding institutional and financial tools, policies and programmes

In terms of backyarding, the SHSUP advocates a conceptual shift towards supporting and facilitating backyard rental stock. The programme has a number of components but the most relevant one for this study is the Informal Settlement Backyard Programmes (ISBP), whose main objective is to secure a habitable and safe community environment that builds on the current socio-economic dynamics of the backyard rental model in the marginalised areas of the City (incl. Ivory Park, Soweto, Diepsloot, Alexandra). This is to be accomplished through managing, guiding and directing what is already happening in these areas with an approach that is focused on safety, health, and public services. It is intended to be applied in both existing and new settlements. The ISBP would emphasize the following areas of concern for existing backyarding in Johannesburg:

- Safety interventions to prevent fires;
- Upgrading engineering and transportation infrastructure;
- Increasing / enhancing numbers and capacity of community facilities and services
- Promoting availability of micro finance to upgrade rental units;
- Making available standard lease agreements and legal mechanisms to deal with disputes;
- Opening up new rental opportunities in well located areas to promote de-densification in existing areas;

- Regulating number of informal rental units per property by way of a community supported “building certification” system

It also has a clear approach to new residential developments, which would include:

- Development plans to reflect the reality of informal backyard rentals in:
 - o layout designs (make provision for incremental developments)
 - o provision of bulk infrastructure (designs / capacity of bulk infrastructure to anticipate the additional rental component)
- Promoting availability of micro finance to upgrade rental units
- Making available standard lease agreements and legal mechanisms to deal with disputes
- Allocation of land parcels to groups of households on a leasehold basis, upgradeable to full tenure later on (to be researched in greater detail before implementation).
- Contribution to the City rates base in the medium to long term.

The plan has been approved but there is no indication as to when and how it would be implemented. One case study below reflects on a current situation of what is actually happening in Cosmo City which is a joint project and demonstrates how backyarding is being controlled and managed in an existing settlement.

The following sections provide descriptions of Gauteng and the City of Johannesburg’s responses.

4.4.1 Case Study 7: Orlando East, Gauteng Province: Low-Income Township Urban Improvement

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS7: Orlando East Urban Improvement	Existing old Apartheid Township	Formal Settlement	Yes – Municipality Province	Urban Investments to improve livability of high-density area	Formal and Informal. Range of densities

Background

This case study illustrates how backyarding dynamics can be positively impacted on by public investments in urban infrastructure. Since the 1980’s, Orlando East experienced an explosion of backyarding. This resulted in extremely high densities of backyarders in some areas, in some cases over 17 shacks and rooms per property. This was due to a lack of urban controls during the application of the Group Areas Act and other Apartheid legislation, and a dire shortage of well-located, affordable accommodation. The area is well-located with respect to transportation to Johannesburg, and also had relatively large stands, many with access to services in the yards.

Conditions

- High backyard densities, and limited public investment lead to the area having a slum-like environment. Dirt roads, lack of street lighting and poor, overcrowded public infrastructure threatened to turn Orlando East into a slum area.
- Very high numbers of informal structures in many properties, frequent service failures and a lack of urban maintenance also created health and fire risks.

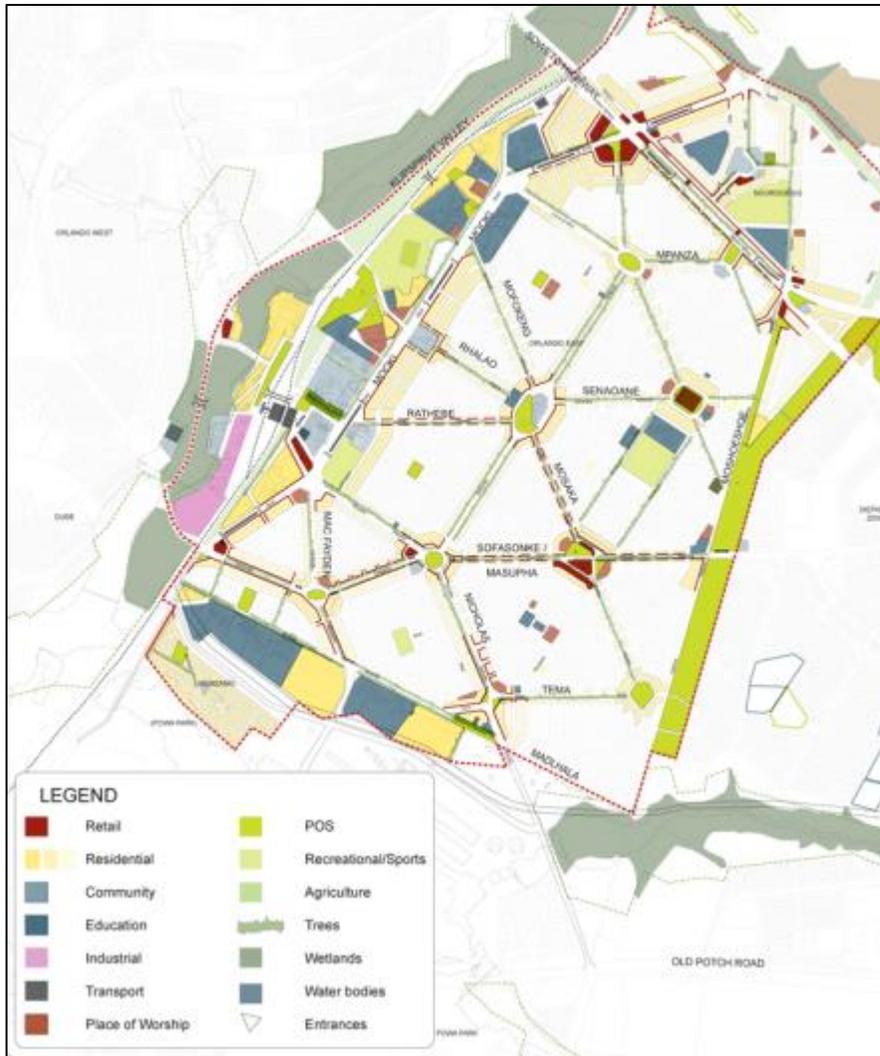


Figure 11: Orlando East Urban Development Framework

Approach

- Over the last decade, substantial improvements have been made in the urban environment of Orlando East. This has been driven by the five-year Soweto Economic Development Plan (2008 to 2013), and the Orlando East Development Framework led by the Johannesburg Development Agency.
- This development has included the improvement of movement systems (including BRT routes close by), tarring of roads, the introduction and improvement of public walkways and public recreation spaces, planting and street furniture, as well as interventions into the urban economy and linkages to surrounding areas.
- Indications are that engineering services have also been upgraded, with little indication of regular service failures. Generally, the suburb is clean and maintained.
- No formal controls have been implemented on backyarding in Orlando East.

Current Status

- Anecdotal evidence points to a de-densification of backyard structures in some areas and formalisation of structures in others.
- While densities remain high, the perception is closer to that of a dense neighbourhood than a slum.
- Substantial private investment is also evident. This includes house improvements and extensions, as well as perimeter walling, garaging and formal secondary structures.

Key Issues

- Orlando East is a demonstration of the difference public investment can make to how a neighbourhood feels and works. There is further indication that this has to some extent changed backyard development patterns in some areas.
- With increased residential density, comes the need for greater public investment in infrastructure and regular maintenance of services.
- Increased densities also require better urban amenities, including access to transport infrastructure, and more social, educational and recreational facilities.
- Orlando East also demonstrates how neighbourhoods can change over time, with changes to the size and nature of private residences, as well as the levels of formality and number of backyard structures.

4.4.2 Case Study 8: Orlando and Zola, Gauteng Province - Gauteng Backyard Pilot Project's Gentrification of Backyard Accommodation

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS8: Orlando & Zola Backyard Pilot Project	Existing old Apartheid Township	Formal Settlement	Yes - Province	Backyard gentrification through subsidies	Formal units (top structure & services) to replace informal units.

Background

The project was initiated to facilitate the implementation of the Backyard Rental Pilot Project in the Province of Gauteng. The aim is to upgrade and formalise backyard units by eradicating informal backyard structures and replacing them with structures that are compliant with the ordinary minimum norms and standards approved by Gauteng Department of Housing. No Special provisions were made and the ordinary by-laws and building standards and regulations were applied.

Conditions

- Owner of the property to be upgraded must be living permanently or own the property
- Agreement between the Department of Housing and the Beneficiary (Landlord) that the beneficiary will remain the owner of the primary unit for a minimum of 5 years.
- Should the beneficiary choose to move and sell their home then the Department of Housing of Housing would have the right of first refusal.
- Minimum specifications for a two or three bedroom unit, with each unit being 11m² and with access to a bathroom.
- Occupants of the backyard rental units will be included in the national subsidy database and will be eligible for a housing subsidy in the future if they vacate the rental unit.

- Formal, written lease agreements were to be signed with existing and future tenants.



Figure 12: Gauteng Backyard Pilot Project Unit in Orlando East

Approach

- Public engagements gave households the opportunity to apply for the construction of backyard units on their properties. The Department of Housing determines work to be undertaken based on meeting the agreed minimum norms and standards and the number of units was limited to two units per stand.
- Backyard units repaired or rebuilt used the Affordable Rental Accommodation Grant, roughly equivalent in size to the BNG subsidy. The grant is determined by and administered by the Gauteng Department of Housing.
- The backyard households were picked by the landlords and in many cases this meant that family members were chosen to remain and other tenants were displaced.
- The programme produces one 40m² unit with a subsidy of R48,000. This unit comprises three living areas, and shared ablution facilities. These units are intended to provide intermediate rental accommodation, which the Gauteng Provincial Government recognises is in short supply.

Current Status

- Thubelisha Homes project-managed the initial pilot upgrading of backyards in Orlando East. For subsequent phases, other service providers have been appointed.
- Around 1000 units have been constructed, comprising two- or three-roomed outbuildings with communal ablutions and are being rented out by the home owners. Therefore this initiative has made around 2 to 3 000 rooms available.
- Backyard dwelling units in Orlando have been completed and are now in an evaluation stage.

Key Issues

- This programme displaced more households from existing backyard accommodation than it replaced, as landlords were forced to lower the number of backyard units.
- In cases, landlords raised rents to ensure that they still had comparable income from the new units. This meant that poorer households were forced to leave. Alternatively landlords displaced tenants in favour of family and kin. Some of the upgraded units have been converted into commercial uses and are no longer available for accommodation (which is expressly disallowed by the programme).
- In both cases neither the state nor the landlords assisted displaced households to find alternative accommodation, which for many poorer households was likely to be in worse areas than their previous backyard units. It is likely that this will not be able to continue with recent legal precedents regarding the responsibility of public authorities to accommodate displaced persons.
- The displaced residents have also mobilised and formed the Backyard Dwellers Association to fight for their own housing rights and to motivate backyarders in other areas to reject the scheme.
- The agreements between landlords and tenants remain mostly verbal and few if any have signed formal lease agreements.
- The subsidisation of such accommodation also potentially sets a precedent for double-subsidisation that may be difficult to justify or maintain going forward. For instance, the subsidy for the rental units is granted to existing landowners (most who have received state housing previously). This has led some existing tenants to refuse to pay for what they see as subsidised accommodation.
- However, this programme does show the prospects offered by the construction of secondary accommodation in existing urban areas, in a format that provides multiple, smaller, rented living spaces at a good standard to smaller households.

4.4.3 Case Study 9: Cosmo City, City of Johannesburg: Controlled Backyarding Growth in a New, Mixed Income Settlement

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS9: Cosmo City Controlled Backyarding	Existing & New Integrated Development	Formal RDP area proximate to bonded housing	Yes – Municipality, via developers	Urban Planning controls	Formal rooms with shared ablutions & self-contained.

Background

Cosmo City is a mixed income and mixed housing development on the northern boundary of Johannesburg and is a Provincial and Local government greenfields project that began in 2004. The project provides three types of housing: 5 000 fully subsidised RDP units, 3 000 credit-linked housing and 3 300 fully bonded-units. The RDP units largely house informal settlement communities from River Bend and Zevenfontein.

Over the past several years, the RDP portion of the development has densified through the development of backyard units for commercial and residential purposes. Unlike other areas these developments have been carefully managed in order to maintain the formal nature of the area and protect state and private investments.

Conditions

- The area has the full array of community and social services including schools and clinics.
- Little provision was made for income generation in the area and there are now significant numbers of salons, spaza shops and other income generating activities present within Cosmo City, specifically along busy roads.
- The area in question is an RDP development that has been densified through the controlled growth of formal backyard structures on many properties.

Approach

- Controlled development of a specified number of formal backyard rooms and units is allowed, and informal units discouraged.
- The developers of the settlement through community liaison officers and building inspectors are managing urban development.
- The construction of backyard units is allowed as long as the plans have been approved by council and meet local development by-laws, which include the fact that units cannot be constructed from temporary materials and must have access to services.
- New owners are sent for training on the Cosmo City by-laws and informed of the conditions for upgrading their units and the consequences i.e. demolition of building informal units on their properties.

Current Status

- The RDP developments within Cosmo City have a high incidence of backyarding, but almost without exception these are formal structures due to the strict by-law conditions and their enforcement by the developers.
- Household densities in the area have probably doubled, yet a relatively good urban environment has been maintained.

Key Issues

- This approach indicates that the nature and form of backyard structures that are developed can be guided and controlled by good urban management. Cosmo City offers a mix of single rooms, rooms with shared ablutions and small self-contained living units, all formally constructed.
- Ensuring formal backyarding assists to limit impact on proximate, bonded housing areas by limiting informal constructions and the degradation of the urban environment and over-burdening of services.
- Backyarding increases the number of households that are able to benefit from the good location and services offered by Cosmo City, and provides much-needed rental accommodation.
- A negative outcome is that the primary design of the township and location of subsidised units are not optimised for the growth of the backyarding market. As a result many backyard units are 'squeezed' between boundaries and the primary units, which are located in the centre of sites.

- Discussion with the Department of Human Settlements has revealed that future plans will include higher specifications and engineering works to allow for planned densification³⁵.

4.4.4 Case Study 10: City of Johannesburg – Additional Subsidised Room Rental in the K206 RDP Settlement

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS10: Alex K206 Subsidised Rental Room Programme	New RDP Township	Formal, medium density RDP housing	Yes – Municipality & Province	Subsidy for provision of rooms for rent	Rooms with ablutions integrated into med density RDP development.

Background

The Alexandra K206 project is located on the Far East Bank Extension 9 of Alexandra, Johannesburg and forms part of the greater Alexandra Renewal Project (ARP). The K206 was focussed on households from Setjwetla informal settlement and intended to provide households with better living environments and housing opportunities. The K206 is a greenfield housing project which sought to provide unemployed beneficiaries and low income households with a unit that has two attached rental units.

The intentions of the K206 project included re-housing and relocating informal settlement dwellers to better accommodation, providing lower income earners and unemployed households with an income earning opportunity and contributing to increasing housing densities in state-subsidised housing interventions.



Figure 13: K206 Layout and Design

³⁵ Final plans for the new phase of planned densifications have not yet been made.

Conditions

- The final project is intended to deliver 1 229 subsidised units at an average of 40 m² (one bedroom) and 1 665 rental units of average 30 m², generally with two bedrooms and a shared ablution.
- Recipients of primary units and rental units were residents in Setjwetla informal settlement, which formed part of the ARP.
- The selection criteria remain opaque and there is some uncertainty as to how eligibility was considered and why certain residents were provided with rental accommodation and others with ownership.

Approach

- The ARP used the individual housing subsidy for the primary unit and additional funding of R18 000 per unit from the ARP to pay for the rental units. The ultimate provider of these funds is not known, but was most likely the National Department of Human Settlements.
- The housing is grouped into cul de sacs of clusters of eight to 10 housing units, which is intended to echo the yard structures of much of Alexandra.
- Every unit has a 40 or 50 m² double-storey government-subsidised dwelling, with full ownership and all services, including solar water heaters.
- In addition, each unit has two adjacent but independent, ground-floor rooms with shared ablutions intended for rental.

Current Status

- Indications are that the project has been completed but an occupancy audit is underway to see if the original people who were allocated the rooms are still there or not.
- It is not currently known what rentals are being charged, and how tenants feel about renting these units.

Key Issues

- There has been significant contention around who was given ownership and who was allocated to rental as the majority of the residents came from the same informal settlement.³⁶
- Landlords resent the fact that the units were allocated by the state and would much rather have selected their own renters, especially in the cases of households who want to house their own kin.
- There are concerns around the quality of the build and finishes, especially for the rental market.

³⁶ A report noted that residents felt "We cannot pay to these landlords as they did not buy the properties but were given to them as RDP houses. Why can't we too be given the rental rooms as RDP houses," Makola asked. (Siso, 2012)

4.5 Western Cape: Knysna and the City of Cape Town

In 2009, the Western Cape Provincial Department of Housing began working towards developing a backyarder response and initially utilised the Gauteng Provincial Government model to inform its own policy. As a result the draft policy considered the use of a subsidy amount to landlords for the upgrade of their backyard structures. However, after discussions and feedback about the Gauteng policy and some of the problems that it had faced, the Western Cape took a decision not to go forward with the proposed pilot. Although the policy was not taken forward, it did put backyarding onto the provincial agenda and recognised the key issues and problems faced by the backyarding community.

This environment created the context for the Knysna local municipality and the City of Cape Town to develop their own policies. The Knysna policy once again followed the Gauteng template, but was not implemented as the majority of backyard inhabitants are family members and thus not necessarily paying tenants. In policy terms this would have meant that the same household would have benefitted twice from the state, which was considered inequitable.

At approximately the same time as the province was considering a backyarding policy, the City of Cape Town began the process of drafting its own intervention strategy. Initially this was supposed to respond to the provincial process but when that fell away the CoCT continued with its own process. The drafting took almost two years and it was only in 2011 that a concrete proposal was approved. In September of the same year the City of Cape Town launched the Backyard Essential Services Improvement Programme (details below), and pilots were initiated in Facreton, Hanover Park and Langa.³⁷

4.5.1 Case Study 11: Facreton, Cape Town - Services Intervention in a Municipal Housing Area

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS11: Facreton Municipal Housing Backyard Servicing	Existing Old Municipal Housing Area	Formal Municipal Housing Area.	Yes - Municipality	Regularisation & link & internal infrastructure reticulation & service provision to backyard units.	Mainly informal.

Background

This programme focuses on the improvement of conditions of backyard renters in municipal-owned housing estates. Cape Town's detached and row house municipal-owned housing stock has very high densities of backyarders, who generally pay rent to the sitting tenants and not to the city. Currently, the City of Cape Town holds 43 000 housing units, which have 41 500 backyard units associated with them. Very poor conditions faced by backyard residents on private and public properties lead the City of Cape Town to identify backyarders as a grouping that was as in need of improved living conditions as occupants of informal settlements.

³⁷ This was a particular concern amongst communities in Hanover Park who have been experiencing increased levels of gang violence, huge levels of unemployment, substance abuse and live in a very under resourced and under developed environment.

The City decided to tackle backyards within its own housing stock, as the city had more leverage in these areas than in private housing areas. Effectively, occupants of city stock had no right to allow backyarders initially.

Conditions

- High urban densities and old infrastructure networks were leading to regular infrastructure failures on a neighbourhood scale.
- Concerns of backyard residents include overcrowding, poor (and sometimes impeded access to) water and sanitation (much of which was on the bucket system), and in cases fire hazards and health risks.
- Most backyard units are informally constructed.

Approach

- The City of Cape Town's Spatial Development Framework and other urban development policies aim to ensure that all residents get access to basic services. This is a key driver of the current city administration. This, along with pressure from organised groupings of backyard residents, led the City to identify the need to improve conditions amongst backyard residents.
- The City acknowledges that it is not going to be neither possible nor practical to provide all residents with new RDP houses within the foreseeable future. Therefore, upgrading informal settlements and improving conditions in back yards are important components of their human settlements strategy.
- While recognising that backyard conditions in private areas are also of concern, the City of Cape Town elected to focus on council-owned stock to start with, as they were municipal assets. Backyard units in municipal housing areas account for 38% of the 109 000 backyard structures in the city.
- The City engaged with a number of communities in municipality-owned estates, and selected specific areas for improvement based on the receptiveness of tenants and landlords.
- The first area selected for intervention was Factreton, an area of single-storey row housing. The area was extensively surveyed, backyard units logged, and a services needs assessment conducted. Plans were drawn up and approved by residents for replacement and/or upgrading of bulk supplies (water and sanitation), reticulation of services to backyards and in cases, de-densification of structures where hazardous conditions were encountered.

Current Status

- A pilot phase of 156 houses has been implemented, after which interventions were extended to all City-owned properties in the area.
- To date R70-million has been spent on upgrading and replacing internal infrastructure networks across the suburb.
- Certain backyards were very densely populated, and have required a re-planning of the layouts in backyards. However, most have been kept at their original densities.
- All backyard residents now have secured access to water and sanitation on a shared basis. Multiple households in single backyards are able to obtain their basic water allowance through the use of innovative electronic metering systems, and the old 'bucket system' has been upgraded to shared waterborne toilets. All households have pre-paid electricity supplies. Additional solid waste bins have been provided.

- The city has budgeted for upgrading in other areas in the future, including 3 600 units in New Hanover Park. In total, this intervention is intended to reach around 5 600 units.

Key Issues

- This case study indicates how municipal authorities can tackle backyard improvement programmes in areas of municipal-owned housing stock in a way that substantially improves living conditions for backyard residents.
- Innovative approaches were required to make this programme work, including the promulgation of a Special Residential 2 zone that allows for informal structures on properties with formal structures, and provides the legal mechanism for providing minimum standard services to backyards in accordance with national norms and standards for informal settlements, mechanisms for multiple households to access minimum basic services allowances using the same standpipe and approaches to utilising housing and USDG funding for this programme.
- The need to invest in infrastructure networks on a neighbourhood scale in order to provide sufficient capacity is an important lesson. This scheme has therefore benefited the primary residents as well as backyard residents.
- While this programme has assisted to improve the quality of life for backyarders, it has not yet tackled other important issues, notably whether or how backyarders should pay rentals to sitting tenants of the municipality or to the municipality itself and how to improve the quality of backyard structures.
- In Cape Town, interventions in municipal-owned housing areas could reach up to 40% of all backyarders. However, an approach that tackles conditions in private areas will have other complexities to consider.

4.6 Other Municipal Responses

Discussions with the Ekurhuleni Metropolitan Municipality (EMM) revealed that they do not have a backyarding policy at present, although they started to develop one a few years ago, it was shelved without coming to completion. Up until now they have been using the existing land use plans and the building norms and standards that apply to the rest of the metropolitan municipality to try and manage backyarding. They are currently in the process of developing a draft policy at the request of their council but are not yet ready to circulate the document for comment. In discussion it was also revealed that the EMM was not aware of the previous attempt that was made to address backyarding, which will be discussed in the following section and from the discussion, it would seem that they are looking at very similar mechanisms.

4.6.1 Case Study 12: Ekurhuleni - EMM U4G Proactive Frameworks for Small-Scale Landlord Development

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS12: Ekurhuleni EMM U4G Entrepreneur Development Plan	Informal Settlement Upgrading Programme Planning	Plans for ISUP Implementation	Yes – Municipality & National (not implemented)	Integrated framework for encouraging entrepreneurial backyard activity.	Not implemented

Background

The EMM embarked on the Upgrading For Growth (U4G), which was instituted in Ekurhuleni to address informality through in situ upgrading and relocation. Through the studies that were undertaken to inform the approach, it became apparent that there were considerable numbers of households in backyards, and no certainty about how to address backyarding. It was as a response to these issues and within a context of the U4G that this idea was developed.

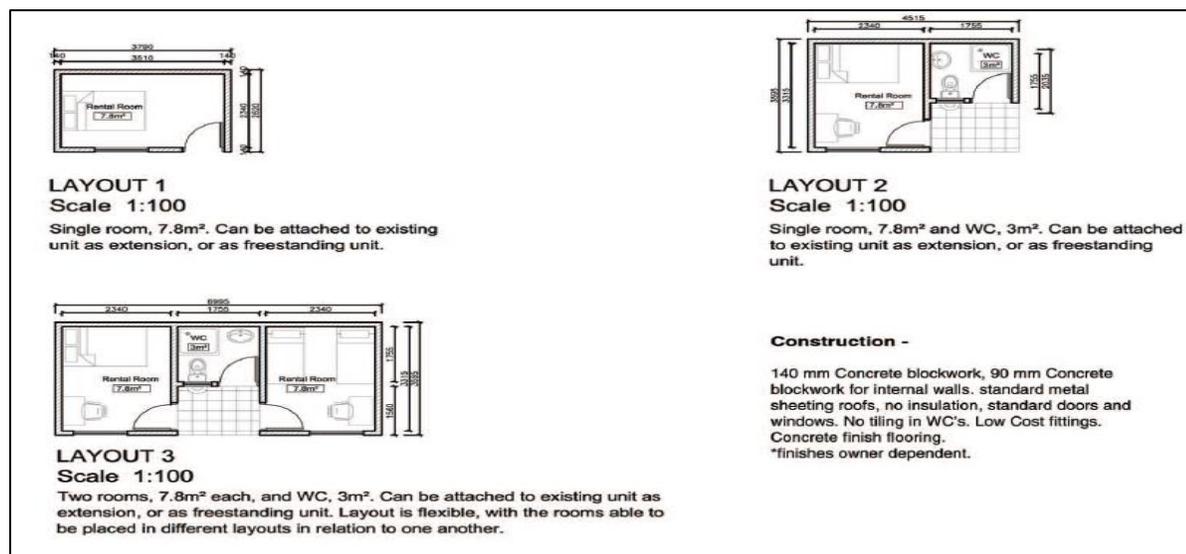


Figure 14: Backyard options for EMM's U4G Backyarding approach

Purpose

- To consider how to address the backyard rental situation but from the perspective of how backyarding can contribute to households livelihood and income strategies rather than only as a housing intervention.
- The intention was to also look at ensuring more efficient and higher density land use.
- It was also intended that the proposal would explore viable options in terms of the size, structure, quality of the unit and level of services as a first test of the U4G business plans.

Conditions

- EMM was home to 55 000 backyard shacks
- Backyard shack dwellers were paying higher percentages of their income towards accommodation than informal settlement dwellers.
- Landlords renting out backyard units were demonstrating high rates of return on investments in backyarding.

Approach

- The report examined three potential responses to backyarding, which included: a free standing/adjacent unit without ablutions; a free-standing/adjacent unit with ablutions; and a two bedroom unit with shared ablutions.
- The proposal also experimented with different layouts that could be achieved with different combinations and configurations of the three options.
- On costing the three products, in different combinations and materials, they could get the cost as low as R10 530 for a shell house with the most basic services, right up to R58 000 for the best quality accommodation with full array of services.

Current Status

- The project was shelved and has never been put into practise or tested.

Key Issues

- In order for landlords to be able to build a backyard unit, they would have had to access some type of financing. The finance institutions would only have been willing to lend to the landlords if the units met requisite housing norms and standards.
- However if the landlords built to these specifications then there was a strong likelihood that they would not have been able to re-pay the loan over a reasonable period and the risk would have been too high.
- The DFIs refused to lend for a product that did not meet the requisite standards and the municipality refused to change its standards, which resulted in an impasse.

4.6.2 Case Study 13: Kokstad - From Zero Tolerance to Integrated Sustainable Planning

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS13: Kokstad Integrated Sustainable Development Plan	Medium Size Town	High-Income, Medium-Income, Low-income Township & RDP Township.	Yes – Municipality	Town-wide Integrated Sustainable Development Plan development & implementation	Being Implemented. Will provide for densification via backyarding.

Background

This case study illustrates how a change in planning approach can potentially impact on how backyarding is perceived, used and managed by a municipality. Greater Kokstad Municipality

has managed a 'zero tolerance for illegal structures' approach. The history of this approach was rooted in tight urban planning controls in the town prior to the democratic dispensation, which was carried forward by the new administration. Any structures not formally approved by the building control department were identified and demolished, across all areas of the town, with the exception of some areas of the original African township, where secondary units and informal backyard units are visible.

Conditions

- This policy has led to a 'clean' town that has a low prevalence of backyard structures (almost all of which are totally formal in nature). This is particularly noticeable in the RDP areas such as the Shayamoya Township.
- This policy has also contributed to a shortage of affordable rental opportunities in the town. Anecdotal evidence indicates a highly demand-driven affordable rental market, with garages being rented for up to R1 600 per month.

Approach

- GKM undertook a comprehensive exercise to develop an Integrated Sustainable Development Plan for the town in 2011/2012. This plan has been completed, and is now starting to be implemented. This plan took an holistic view to urban development, economic growth and long-term sustainability in the town, and provides the framework for a complete review of urban management approaches.
- This plan calls for the implementation of a range of urban development mechanisms, including densification and the development of second dwellings, specifically in identified existing nodes and along specific corridors.
- Core principles that will now guide Kokstad's future growth include "Increasing the range, mix and intensity of opportunity, accommodation, services and amenities and entertainment in Kokstad, making [it] a livelier place with increased choice and diversity for everyone" (ISDP, 2012:29). This will be implemented by obtaining alignment between institutions, policies, development programmes and resources available to the GKM.
- Specifically, in relation to housing, the principles of compaction, infill, densification, mixed use, mixed tenure and multi-income living environments are planned that move away from the current mono-functional, mono-density areas with limited accommodation opportunities.
- Indications are that by following an intensification and densification approach, over 50% more people can be accommodated within the existing urban framework.

Current Status

- Currently the ISDP has been adopted by the GKM, and implementation of various projects are under way.
- The approach to be implemented will allow controlled use of second dwellings and other forms of small-scale rental as a key component of urban growth, leading to more compact urban environments and better utilisation of existing infrastructure and social facilities.

Key Issues

- The ISDP provides a clear indication of how urban development can be implemented and managed in a sustainable way, including the use of urban development principles that support backyarding (compaction, densification, mixed tenure, mixed income).

- A key issue will be the ability to implement the plan as envisaged over time. This will require a substantial commitment to change from all actors.

4.6.3 Case Study 14: Northern Cape - Doubling Household Density in a New Formal Housing Development

Case Study	Stage of Development	Nature of Settlement	State Intervention	Type of State Intervention	Nature of Backyard Units
CS14: Northern Cape Resettlement & Rental Entrepreneurs	New Affordable Settlement Plan	Newly planned low and mid-income resettlement area.	No.	Baseline planning includes provision of backyard units to provide additional accommodation & as income generation strategy.	In planning. Will develop formal second dwellings for rental.

Background

A community is in the process of being moved and housed in a new urban area proximate to an existing medium-size town. This town faces severe accommodation shortages across the board, leading to inflated prices and rentals. A key requirement of the new area is that it provides for both ownership and rental opportunities, and assists to ease overall accommodation pressures in the town.

Conditions

- A community is to be housed in a new housing area, and will be provided with new accommodation.
- Households will obtain 'like for like' formal accommodation as replacements for the houses they are being moved from. Other households currently rent, and require accommodation options as well.

Approach

- The design of the new area to which households are to be relocated has offered beneficiaries the opportunity to opt for small secondary dwelling units constructed on their properties, as well as the option of designing their main dwellings in a way that they can be easily converted to two smaller dwelling units.
- This will increase the range of small rental accommodation options in the town, and should assist to ease high rentals.

Current Status

- Currently, the designs and specifications for this development are being finalised.

Key Issues

- This case study indicates the importance of considering eventual urban outcomes from the outset. As a result, urban infrastructure, social facilities and community involvement have been ensured in this process.

- Through this process, it is likely that up to double the number of households originally intended to be accommodated in the new area may now potentially be housed in this area. This will provide much needed affordable rental opportunities, and a much needed source of income to these households.
- Substantial addition to housing stock will ensure rentals for such units are influenced by greater supply, which in turn will provide a significant stock of rental accommodation to the wider community that is currently severely supply-constrained.

4.7 International Experience

This section provides brief overviews of four international case studies from other countries that have implemented approaches aimed at stimulating the growth of appropriate, affordable backyard accommodation. These case studies are not intended to be comprehensive, but rather to provide an indication that backyarding is a universal consideration, not something that is specific to the developing world or indeed South Africa.

4.7.1 International Case Study 1: Social Landlords London (UK)

Overview

London registers a wide range of social rental landlords.

- Registered Social Landlords, or Housing Associations are non-profit making bodies providing housing.
- Registered Social Landlords offer a wide variety of housing, which might either be newly built, or older housing that has been converted.
- No of units owned and managed per landlord varies substantially from 2 to thousands

Key Findings

Social Landlords must be registered with the Housing Corporation which oversees and monitors their activities:

- Register of Social Landlords
- Meet minimum norms and standards
- Comply with reporting requirements
- Eligible for capital and operating grants
- Tenants are selected from the City of London Housing Register (most Registered Social Landlords do not accept direct applications from members of the public).

4.7.2 International Case Study 2: Massachusetts (USA) - Land Use Regulation

Overview

- Restrictions on the amount of land zoned for multifamily units (not specifically a rental restriction)
- Special permits required and a variety of other regulations are applicable to multi-family units
- State affordable housing laws used to override these.

Key Findings

- Regulations are constraining on the development of new rental housing
- Towns with less restrictive zoning issue significantly more building permits for multi-family and single-family units
- Have lower prices for owner-occupied housing
- But do not have significantly lower rents.

4.7.3 International Case Study 3: Backyard cottage initiative: Seattle

Overview

- Seattle tested the backyard cottages initiative in the southeast part of the city starting in 2006, resulting in 28 cottages. It was expanded citywide in December, and 22 more building permits have been issued.
- Backyard cottages are separate buildings, often just a few feet from owners' homes. Once built, owners either rent out the cottage or rent out their main home and move into the cottage

Key Findings

- Expands housing options but does not have to resort to high-rise buildings
- Key strategy to allow people to hold onto their homes in times of financial crisis
- Although neither the municipality nor other state departments provided finance for these units, they did develop and distribute guideline documents for how to go about developing backyard units i.e. a basic “Dos and Don’ts”, which included a section on the different financing options³⁸.
- In order to encourage backyarding, support and regularise backyard cottages, the city had to:
 - change zoning rules to allow cottages in single-family neighbourhoods citywide,
 - reject a proposed cap of 50 cottages a year; and,
 - helped organize a design competition to spur creation of reasonably priced plans.

4.7.4 International Case Study 4: Chile

Overview

- Many urban areas in Chile face very similar pressures for backyard accommodation as does South Africa.
- A range of interventions have been attempted in Chile over the different phases of their housing programme to regulate, upgrade and replace backyard units. This has included eradication of informal units in the 1960’s.
- One aspect of policy is to encourage better quality backyard units, which are recognised as an inevitable and important delivery system for those that are not met by the formal government housing ‘social housing’ programmes.
- The drive is to ensure better quality construction via incremental building over time, meeting minimum spatial standards of 10m² per person, and taking into account the changing needs of a family over time³⁹.

³⁸ The Guideline Document can be found at

http://www.seattle.gov/dpd/static/backyard%20Cottages%20guide_web_latestReleased_DPDS015822.pdf

³⁹ Greene, M (2011?)

- One specific programme encouraged ‘plot densification’ via the construction of a government-subsidised basic reinforced ‘space frame’, with the ground floor (32m²) being completed and occupied by the owner, and the second and third floors being developed over time by the owner for rental to additional households.

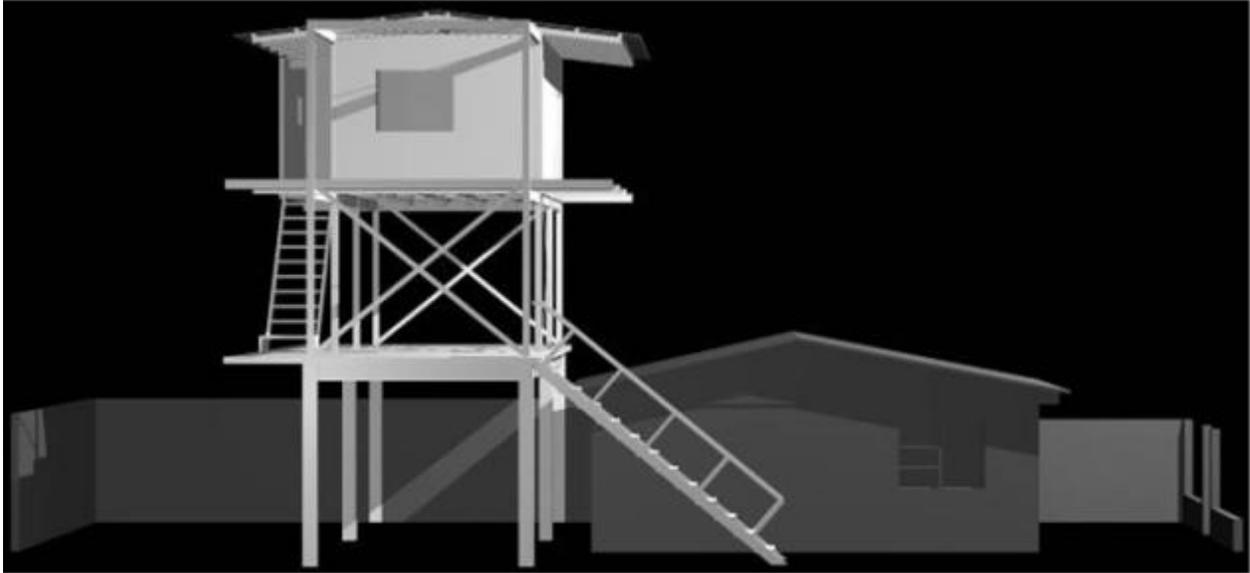


Figure 15: Chile ‘Plot Densification’ / ‘Radicacion’ Programme

Lessons

- A formal programme can be used to encourage desirable ‘backyarding’ outcomes.
- Basic investment from government can be used to structure private investment from home owners (and tenants).

4.8 Summary of South African Municipal Responses

The case studies above indicate that municipal responses to backyarding in South Africa currently vary greatly. A range of generic responses are identified below:

- **‘Laissez-Faire’ (Leave Alone):** Many areas are not controlled in any way, leaving market forces of supply and demand to determine the prevalence, number, type and occupancy of backyard structures. Areas such as Orlando East have houses with up to seventeen backyard shacks on a single property. Certain large areas in central Alexandra Township are so crowded with structures it is difficult to discern formal structures amongst them.
- **Disallowing “Illegal Structures”:** Kokstad LM has until recently had a zero tolerance approach to unapproved structures in all areas. However, the old pre-1994 township does have a high incidence of backyarding, mostly developed prior to 1994 and the construction of new RDP areas. This policy is in effect in upper-income areas and RDP settlements alike. One of the consequences of this is an upward pressure on informal rentals for the space

that does exist, such as cottages, converted garages and the few backyard rooms that do exist.

- **Building Control:** In certain low-income areas (such as Cosmo City in Johannesburg) and many middle and higher income areas, urban management processes have only allowed the development of conventionally constructed, approved backyard structures. Therefore, while there is a high incidence of backyard structures in Cosmo City (between half and three quarters of RDP properties), these are all rooms and cottages approved by the municipality via the developers, conventionally constructed, with access to minimum standards of services.
- **Services Improvement:** The City of Cape Town identified the need to improve conditions in Backyards, and identified its existing Municipal housing stock as a starting point. An on-going project has assessed and invested substantial capital in upgrading infrastructure systems and capacity (thus improving services to the municipal stock as well), extended infrastructure connections to backyarders (shared standpipes with individual 'logins' per household), shared ablutions, prepaid electricity connections and refuse removal.
- **Upgrading:** The Alexandra Urban Renewal Programme undertook extensive work intended to upgrade backyard structures and primary residences in areas of Alexandra Township. This entailed a process of mapping the status quo, planning to de-densify areas to reasonable densities to overcome health and safety concerns, investing in infrastructure upgrades and connections, and regularising ownership and rental arrangements. Although the work has not been completed there are indications that the project may start again in the near future.
- **Active Encouragement:** Two South Africa cities, Johannesburg and Cape Town, have both implemented blanket second dwelling unit policies on a city-wide basis. While land use management systems provide for this, it is not widely publicised yet. Ekurhuleni has also created a special land use zone that is intended to create a legal framework within which backyarding can occur and be adequately regulated. This includes relaxed building lines, increased densities, relaxed building norms and standards.
- **Direct Support / Gentrification:** The Gauteng Provincial Housing Department has developed a backyarding (upgrading) programme. The pilot study de-densified backyard structures, and built a 40m² structure comprising three rooms with a shared ablution, intended for the owner to rent out.
- **Inclusion in Greenfields Development:** Gauteng Province has taken the step of including backyarding units for rental by beneficiaries in the primary designs of certain developments, including Alexandra and a new phase of Cosmo City's development.

5. Key Backyarding Challenges Facing Municipalities

While national and provincial policy frameworks should guide and support an overall policy and strategy for backyarding, it is at the municipal level that a practical approach to Backyarding must be implemented. It is at this level that the implications of backyarding on urban management are felt. Municipalities' response to backyarding must be achieved in a way that best meets a range of competing objectives and pressures. This section outlines key challenges relating to backyarding that are faced by Municipalities and which are derived from the case studies.

5.1 Policy and Legislative Concerns

5.1.1 Operating in a Policy Vacuum

Municipalities operate in a policy vacuum in respect of backyarding. Currently, no national, provincial or widely disseminated policy or strategy related to the rental market generally and backyarding specifically exists, nor are there national subsidies or specific state-sponsored financial instruments for this sector. As a consequence, responses are piecemeal and vary considerably in the nature of interventions, their purpose and their consequences. In general, where they exist, municipal responses still tend towards eradication or replacement of backyard structures, with few examples of policies that encourage positive outcomes from this delivery system. From this perspective, SALGA's initiative to develop a response to this issue is well timed.

5.1.2 Confusion of the Policy-Response

There is also a clear need to define how backyards are seen and understood by municipalities in order to develop an adequate policy-response. An inappropriate lens/understanding can cause an inadequate response with long-term consequences for urban growth (i.e. treating backyards as informal housing means that a simple housing/formalisation response is enacted, which has consequences for the livelihood aspects of backyarding and the availability of affordable accommodation). Thus there needs to be clarity on the role that backyarding plays in the lives of lower income households and landowners, and can play as a city-building process in order for an appropriate set of policy responses to be developed.

5.1.3 Policy, Legislative and By-Law Relevance

The high proportion of small-scale landlords that do not officially comply with norms and standards indicate that the current legislative and policy framework are not aligned with the needs of this sector. There are two interrelated issues here: the first being the inappropriate nature of some policy, legislation and by-laws, and the second being the lack of enforcement of those that are relevant.

5.2 Identifying the nature of the intervention

5.2.1 Addressing Different Needs, Markets and Outcomes

Currently backyarding addresses two main ends and purposes: accommodation for kin and income-generating affordable rental accommodation. This means that there needs to be some kind of consideration around what the backyarding is being used for and why. If such considerations are not put in place, as in the K206 example, then the state will put in interventions that are not appreciated by the beneficiaries i.e. put in place an income-generating opportunity when what is required is additional space for extended family.

5.2.2 Role of the State: Invest, Facilitate or Retreat?

The limited public policy responses to backyarding in South Africa to date have generally favoured approaches that reduce high backyarding densities and upgrade backyard structures. But, while this may lead to improved conditions in a small target area, it generally displaces households to other areas of the city and has at times lead to constitutional challenges regarding the need to accommodate displacees. The backyarding sub-market is also very fragile as it has quite low margins and requires extreme flexibility, which raises the question of whether this is a sector in which the state should actually intervene and if so what is the level of intervention? It thus seems to imply that what is needed is a very fine-grained instrument able to respond to a variety of circumstances.

5.2.3 Equity considerations: Subsidy 'Double-Dipping'

Whether, and how the state should support backyarding is a key dilemma. Options range from a hands-off approach, through indirect facilitation, to direct subsidisation of backyard units. A key criticism that arises from the Gauteng Backyard Upgrading experience is the fact that previous beneficiaries of government housing (whether pre-1994 or post-1994 RDP stock) now have the opportunity to obtain an additional subsidy for developing formal backyard rooms for rent on their properties, before some beneficiaries are able to obtain their first subsidised accommodation. Thus there have been accusations of inequity and questions have been raised around why the backyarders have yet to benefit even once.

5.2.4 Controlling Norms and Standards

Many backyarding units are incrementally, self-built by landlords and a proportion of informal units are tenant-built. These units may not meet all conventional building norms and standards, albeit that they may meet many basic shelter, service and health and safety requirements. There are thus three alternatives open to municipalities, each of which has its own set of challenges.

- Local authorities thus can either review conventional building and service standards to cater for backyarding, which raises concerns around equity, and dignity; or
- They can choose to enforce existing standards, which will be very difficult and generally too costly for small-scale landlords to meet at least in the short-term and may result in the need to eradicate a proportion of existing structures and relocate residents; or
- Municipalities must choose to not control backyarding outcomes in their areas. This in turn can lead to over-burdened services, unregulated urban environments, and at its worst, anarchic and slum-like conditions of high density, fire and health hazards.

5.3 Municipal concerns

5.3.1 Municipal capacity: The Burden of Urban Management

If the state does choose to intervene at whatever level and apply some form of basic norms and standards and regulate the sector, it raises the issue of what capacity, if any, is in place to deal with backyarding within municipalities in order to, ensure that set standards are consistently met. The alternative is to consider community-based urban management, which in turn need to be capacitated and supported in some way by the local authorities. A further consideration is that, as a currently mostly unregulated sub-market, backyarding is generally an administrative and financial burden to municipalities, as it currently brings in limited property revenues and service charges. However, the trade-off between regulation, the requirements of offering constitutional guarantees to housing and services rights and alternative accommodation methodologies available to municipalities must be carefully considered.

5.3.2 Assessing Municipal Infrastructure Capacity

Managing infrastructure capacity is a key issue facing most municipalities. Generally, increased backyarding is associated with an over-burdening of existing infrastructure carrying capacity. However, it is not a simple linear relationship between the number of backyard structures and the effects on infrastructure networks. Assessing capacity must consider a range of factors:

- The small household sizes of most backyard renters, that predominantly house one, two or three members.
- The reduction in average household sizes in South Africa of 1.1 people per household between 2001 and 2011. Therefore, an area planned for an average household size of 4.2 people in 2001 (with no backyarding), is now theoretically capable of supporting a 50% prevalence of backyard structures housing an average of two people per structure.
- The positive aspects of backyarding merit municipalities' consideration of investing in infrastructure capacity upgrades. This can assist to cater for service capacity requirements result from increases in backyarding densities. It can also be more cost effective than other, alternative service provision options such as greenfields development.

5.3.3 Difficulties in Applying Official Planning & Building Controls

Small-scale landlords argue that their units are often extra-legal or irregular because of the difficulties associated with navigating municipal planning applications and the long delays and expense that is associated with gaining planning permission. Furthermore, some of the reasons for the planning regulations are fairly opaque to laypeople that therefore feel that it is easier to ignore regulations such as building lines, coverage and bulk specifications and formal building control procedures. This leads to a situation in many municipalities where dual planning systems are in force: one for middle and higher-income neighbourhoods (which are generally required to meet all formal processes) and another for low-income township areas, where few formal processes are properly implemented and controlled, and limited management capacity exists.

5.4 Finance and Support

5.4.1 Accessing Development Finance and Private Sector Financing for Improvements

Small-scale landlords have historically relied on private or family savings, windfalls, such as retrenchment pay-outs or disability pay-outs, incremental building and/or small unsecured loans to build their units. Often the rental is then used to further resource future development. The EMM case seems to indicate that there is a lack of appetite for risk in this sub-market and requires that either landlords construct units that are not sufficiently financially rewarding in order to meet building norms and standards and thus are forced to over-capitalise or are restricted in what they can produce by the savings and loans that they access, which means that quality and pace of delivery can be highly unpredictable. A lack of access to finance is therefore a limitation on the ability to capitalise on the positive aspects of backyarding.

5.5 Summarising the Backyarding Challenge: What are the Key Problems?

There are a range of problems with backyarding in these contexts and their various responses, Table 3 below, indicates some of these issues:

Table 3: Summarising the Challenges to Backyard Interventions

Intervention	Potential Risk/Considerations	Example
Leave Alone: - No Clear approach - No National Policy - No subsidy regime	See Table 2	Diepsloot Alexandria
	<ul style="list-style-type: none"> - Ad hoc responses by local authorities and provincial governments - Responses only address one aspect of backyarding i.e. housing quality but not income generation 	Gauteng Provincial Backyard Rental Programme CoJ
	<ul style="list-style-type: none"> - Eradication responses which ignore economic and social realities of this submarket 	Kokstad
Disallowing Illegal Structures and applying building norms and standards	<ul style="list-style-type: none"> - Urban management capacity - Displacement of poorer households - Market requires flexibility to be able to respond due to very low margins 	Cosmo City
Services Improvement	<ul style="list-style-type: none"> - Cost of retro-fitting - Over-burdening existing capacity 	Cape Town
Upgrading:	<ul style="list-style-type: none"> - Double-dipping/equity - Complexities of in-situ upgrading 	Orlando Soweto
Active Encouragement:	<ul style="list-style-type: none"> - Urban management capacity - Double-dipping/equity 	
Direct Support / Gentrification:	<ul style="list-style-type: none"> - Cost to the state and no existing subsidy regime - Displacement of poorer households - Fragile market 	Orlando

	- Double-dipping/equity	
Inclusion in Greenfields Development:	- Selection and eligibility criteria need to be transparent and standardised - Fragile market - Double-dipping/equity	K206 Alexandra

From SALGA's perspective, it is important to clarify what the key problem areas are in relation to backyarding currently. Ultimately the concerns regarding backyarding at a municipal level can be summarised as follows:

- Backyarding suffers from a **perceptual problem**, whereby in general terms it is seen from a political standpoint to be a negative phenomenon requiring removal and remediation. It is viewed as a consequence of failure of national human settlement programmes, rather than as a potential part of the human settlements solution in South Africa's urban areas. This often makes it a contentious issue for debate between political role players and municipal officials.
- A **lack of coherent national and provincial policy responses** to backyarding mean that it is not clearly understood, and no generally applicable policy and support frameworks respond to the widespread phenomenon of backyarding. For instance, national responses have at times advocated for removal and disallowing of backyards in subsidised housing areas.
- This lack of coherent policy also implies that only limited ad-hoc responses have been attempted towards controlling, facilitating and investing in improvement of backyarding. Therefore, **backyarding is generally considered a 'municipal consideration'** which municipalities are required to manage from their own resources with little or no support from national and provincial housing and infrastructure funding and subsidy budgets.
- In many municipalities, **backyarding is responded to as a negative, rather than potentially a positive urban and housing process**. As a result, responses from municipalities often focus on replacement, removal or remediation rather than support. Few municipalities pro-actively apply resources to managing backyarding as they do in other areas. It is seldom considered as a positive contributor to necessary accommodation requirements within municipalities.
- **Urban planning frameworks do not respond to the dynamics of backyarding** in general, and hence backyard structures are often in contravention of planning frameworks and building control regulations and requirements. Backyarding is generally not integrated into municipal human settlement plans and frameworks, and therefore cannot be responded to adequately at the municipal level. Therefore, backyard structures often transgress planning controls, including zoning regulations, building controls, allowable structures per property, nature of permissible structures, building lines, shared wall requirements and access to services.
- **Pressures placed on municipal infrastructure frameworks** by increased household densities through backyarding are often perceived as a negative consideration, rather than an opportunity for pro-active responses to infrastructure planning and upgrading. In addition, as backyard occupants generally access services from existing properties, they can create

difficulties in metering, service consumption metering and payment, as well as the rollout of basic service packages by municipalities. Service provision (such as electrification and solid waste disposal) can also be hampered by high densities of backyard structures.

- Because backyarding **may not meet national norms and standards for accommodation** although in many cases, they do in fact comply with international accommodation norms and standards. As a result, backyard structures are often perceived as 'sub-standard' accommodation, and a part of the officially defined 'backlog' for accommodation, rather than an important and very variable accommodation sub-market. Backyard structures often do not comply with current national housing norms and standards, because these relate to average household sizes and not accommodation requirements of smaller households and individuals. These include minimum house size (42m²), minimum construction standards (conventional construction methods), minimum property sizes, minimum service provision levels and other requirements set by provinces such as tiled roofs and non-corrosive materials in coastal areas are also considerations.
- Backyard structures, especially informal structures and those not regulated by municipalities in any way, can **contravene existing national building regulations** such as the 'Red Book'. Spatial standards (required square metres per person), natural lighting and ventilation requirements, durability of construction materials, foundation requirements, thermal performance and fire performance are key areas where problems can occur.
- Backyard structures can **contravene conventionally applied municipal by-laws**, in relation to acceptability of secondary structures, health, safety and aesthetic considerations specifically.

6. Potential SALGA Policy Response Framework

The importance of the backyarding sub-market can no longer be overlooked by municipalities as a deliverer of affordable accommodation on a national scale; as a developer of wealth and entrepreneurial ability; as a sub-market serving specific accommodation requirements; as an active city building force and as a relatively unregulated and currently un-funded sub-sector from a public expenditure perspective.

This section provides a framework for a 'Backyarding Toolkit' for Municipalities. The intent is to offer a high-level set of intervention areas and potential instruments for SALGA to base its response to backyarding on, and from which Municipalities can select specific responses to backyarding that meet their specific needs and the conditions they face in their specific jurisdictions. This 'menu' of responses can be matched to different backyarding situations, such as new, greenfields environments, existing, low-density areas that have the opportunity for future backyarding development, areas with high backyarding densities and areas facing existing slum-like conditions due to unregulated backyarding. These potential responses to backyarding that are available to SALGA and Municipalities are grouped into the following nine broad categories:

- **Lobby:** utilising SALGA's position to exert pressure on national and provincial government to develop supporting and enabling policy relating to backyarding;
- **Research:** undertaking specific research necessary to better understand the dynamics and potentials of backyarding, in order to inform policy and strategy at the municipal level and in order to develop frameworks for analysing and categorising backyarding in each municipality;
- **Strategise:** building a unified response into municipal strategy documents, specifically housing / settlement plans, budgets and IDP processes;
- **Guide:** Ensure that land use and other urban management instruments are optimised for ensuring backyarding processes lead to optimal outcomes;
- **Plan:** Pro-active and pre-emptive planning and preparation by municipalities for the inevitable outcomes backyarding will bring in their areas, in order to ensure urban areas can easily accommodate and adapt to backyarding over time.
- **Invest:** Identification of capital investment potentials for municipalities (and national and provincial governments, through municipalities) that will yield optimal outcomes from backyarding processes;
- **Control:** Provide frameworks for municipalities to control where, how and to what extent backyarding develops in their jurisdictions.
- **Support:** Mechanisms through which municipalities can themselves, or in partnership with other public, private and community organisations, encourage the optimal development of accommodation via backyarding; and finally
- **Remediate:** Identification of approaches to managing sub-optimal or dangerous conditions resulting from backyarding processes.

Figure 16, Figure 17 and Figure 17: The key potential roles SALGA and municipalities can adopt towards backyarding (b)Figure 18 provide an overview of the nine potential response areas SALGA and municipalities can adopt towards backyarding, and provide an initial categorisation of more detailed potential interventions or responses under each one for discussion. The following section also provides some first steps with respect to what is needed to begin to respond to backyarding in South Africa from SALGA's perspective.

LOBBY	
National Green Paper	
: Definition of Minimum Standards	e.g. Basic rental standards in CoJ
National Rental Policy	
: Backyarding Policy	
National Subsidy Approach	
: Supply-Side Landlord Subsidy	e.g. Chile Radicacion Programme
: Supply-Side Landlord Second Dwelling Construction	e.g. Gauteng Backyarding Programme
: Demand-Side Rental Subsidy	e.g. Mexico Tenant Housing Voucher TBC
Building Code (Red Book) Adaptions	
Provincial Rental Policy	
SALGA Municipal Position / Strategy	
RESEARCH	
SALGA Municipal Position / Strategy	
: Municipal Alignment with Position	
Accommodation Demand Assessment	
: Define Rental Demand (households & people)	
: Define Small Scale Rental Demand	
Infrastructure Capacity Assessment	
: Capacity Potential Assessment (Per Area)	e.g. Cape Town Council Backyards
: Capacity Projections & Cost Scenarios	
STRATEGISE	
Municipal Settlement Strategy (Housing Plan)	
: Rental Housing Framework	e.g. Greater Kokstad Municipality
: Backyarding Policy	
: Municipal Stock Policy	e.g. Cape Town
Integrated Development Planning	
: Identification of Backyarding Interventions	
: Coordination of Sources of Capex	
GUIDE	
Land Use Management System	
: Digitisation / Datasets	e.g. Tswaing LUMS
: High(er) Density Areas / Corridors	e.g. Johannesburg
: Appropriate Zoning ("Special", Mixed Use zones)	e.g. Ethikwini
: Primary Rights (Second Dwellings)	e.g. Johannesburg, Cape Town
: Definition of Secondary Structures	e.g. Johannesburg "kitchen" definition
Rates Policy	
: Extend Free Basic Services to Backyarders	e.g. Cape Town Council Housing
: Appropriate Service Charge Recoveries	e.g. Cape Town Water & Electricity Meters
: Rates Changes (Increase / Decrease)	

Figure 16: The key potential roles SALGA and municipalities can adopt towards backyarding (a)

PLAN	
Settlement Design (Proactive)	
: Appropriate Stand Sizes	e.g. Much of RDP development (350m2)
: Designated Tenement Sites	e.g. Spontaneous Development in xxx, Cape Town
: Appropriate Standard of Services	
: Integrated Second Dwellings / Rooms	e.g. Cosmo City New Phase
: Integrated Rental Rooms & Ablutions	e.g. Alex 206
Site Layout (Proactive)	
: Appropriate Location of Service Connections	
: Location of Structure/s	e.g. not a single one of 3,5-million RDPs built
: Alternative Built Forms (e.g. 2nd storey slabs)	e.g. Construction in S American hurricane zones
Settlement Design (Reactive)	
: Site Layout Improvements	
: Primary Rights Extensions	e.g. City of Joburg, City of Cape Town
House Plans	
: Integrative Site Plans (with secondary units)	
: Expansion Plans from outset	
INVEST	
Bulk Infrastructure Capacity Expansion	
: Upgrade Bulk Services	
: Expand Bulk Networks	
Internal Infrastructure Capacity	
: Replace / Upgrade / Extend	e.g. Cape Town Council Backyards
: Site Connections (New)	e.g. Gauteng Backyarding Programme
On-Site Infrastructure	
: Improve Service Access (Multi Households)	e.g. Cape Town Council Backyards
: On-Site Alternatives (low-flow, SWH)	
Social Facilities	
: Expand Facilities Capacity	
: New Facilities (e.g. Parks, Play Areas)	E.G. Orlando East?
CONTROL	
Town Planning Control	
: Rezoning Approvals	
: Subdivision Approvals	
Building Control	
: Primary Rights Implementations	e.g. Cosmo City
: Building Plan Approvals	e.g. City of Joburg
: Building Inspectorate	e.g. Grassy Park, Cape Town
	e.g. Cosmo City
Rates / Services Systems & Collections	
: Multi-Household Connections	e.g. Cape Town Council Backyards
: Extend Free Basic Services	e.g. Cape Town Council Backyards

Figure 17: The key potential roles SALGA and municipalities can adopt towards backyarding (b)

SUPPORT	
Municipal Investment	
: Install Secondary Service Connections/ Meters	e.g Gauteng Backyarding Programme
: Install Servcies / Foundations	
Indirect Subsidy / Investment	
: Other Urban investments	
Business Development Support	
: Landlord Support Policy	e.g. EMM U4G
: Construction / Loan Finance	e.g. Gauteng Partnership Fund
Advice Centres & Resources	
: Housing Offices	
: Rental Tribunals	
: Construction Support Centres	
REMEDiate	
Gentrification / Replacement	
: Upgrade Existing Structures	e.g. Gauteng Backyarding Programme
De-Densification	
: Removal of Excess Structures	e.g. ARP, Gauteng Backyard Programme
: Relocation of Households	e.g. AURP
Eradication	
: Complete Removal of Backyards	e.g. Kokstad LM TBC (Didn't remove, but did not allow

Figure 18: The key potential roles SALGA and municipalities can adopt towards backyarding (c)

Once this framework has been discussed at the workshop, further development of these areas will be undertaken. Currently, a few of the key areas are explored broadly below.

6.1 Response Area 1: Lobby – National Rental Policy and Legislative Framework

As has been pointed to earlier in the document, currently there is no coherent national policy framework in South Africa in relation to rental housing generally, and backyarding specifically. Not engaging with the backyarding sub-sector is no longer an option for all spheres of government, and there needs to be a decision taken as to what the objective/s of any backyarding strategy should be. A clear strategic intent will therefore help to define the nature of the intervention and the subsidy response i.e. if backyarding is a housing issue then need a housing response and a housing subsidy but if it is a welfare issue then it is a different lead department and different set of instruments.

Thus there is a necessary first step required in lobbying national government to design and implement a national rental policy and legislative framework that is conducive to and supportive of the development of all types of rental accommodation by a wide range of landlords, including Backyarding. As such there are three clear areas of activity:

- **Inputs to the Human Settlements Green Paper:** The process currently under way to develop a new Human Settlements Green Paper is the ideal opportunity for SALGA to provide inputs to a future integrated rental and backyarding policy and framework. Potentially there may also be a need for sub-sector representation and the establishment of

sectoral representative bodies, or inclusion of un-represented sectors of the rental market into current representative bodies such as SAPOA and POMA.

- **National Rental Policy and Legislative Framework:** Ensuring future policy clearly deals with Backyarding, and is backed up by a solid legislative framework that is realistic and supportive of issues faced by municipalities in relation to Backyarding will be a key area of involvement for SALGA. Such a framework must provide the principles, strategies, guidelines, supports and implementation framework necessary for municipalities to engage with Backyarding as an important component of human settlements policy.
- **National Financing Resources:** SALGA must provide inputs into whether, and how future human settlements subsidy instruments can be used to develop desirable backyarding outcomes. Currently, most subsidy instruments do not consider the role backyarding can play in delivering accommodation. SALGA, as the representative of resource-depleted local governments, can play a key role in influencing future policy with respect to how public funds can be directed towards improving accommodation outcomes from Backyarding. This will require consideration of, inter alia:
 - Extending public financing programmes equally to backyarders: Lobbying for a 'rental-friendly' and 'Backyarding-friendly' public finance approach for lower income households (e.g. extending basic services grants to backyard residents)
 - Reviewing how public capital expenditure may be utilised to improve conditions in, and outcomes from, backyarding processes. This should consider how to extend services to backyard residents utilising USDG and other potential infrastructure resources
- **Human Settlements Subsidy Approach:** Specific financing approaches to backyarding have been attempted by Gauteng and City of Cape Town. It is necessary to develop a subsidy framework that is more responsive to backyarding, and assists to meet the needs of this sector too. Critical considerations here are:
 - The desirability of direct subsidies for accommodation into the backyarding market, which could have its supply and demand dynamics adversely affected by such subsidies.
 - The intent of subsidies for rental housing, that is, whether to provide a general facilitative environment for backyarding to grow (e.g. 'hidden' infrastructure investments), demand-side (tenant) or supply-side (landlord) supports. It is also possible that differentiated instruments could support the development of landlords as business owners, and others could support the development of appropriate accommodation on the demand side.
 - The application of subsidies, that is, whether public resources should be invested in basic infrastructure in neighbourhoods, making stands available to rental entrepreneurs for the development of tenements, investment in specific infrastructure connections, in providing a framework for backyarding growth and development, or whether full subsidised units should be provided for rental.
 - Additional potential subsidies or public supports into this sector, such as capacity building supports to landlords, greater supports for the improvement of landlord / tenant relations, financial supports to stimulate development of backyard units, etc.

6.2 Response Area 2: Research - Filling the Gaps

There is a dearth of current, accurate data on backyarding in South Africa⁴⁰. In order to develop informed and nuanced policy responses for a housing sub-market that currently accommodates 9% of all households, and delivers accommodation for up to half of all new, households annually, there is a need for better quality, more nuanced and more rigorous research. It is recommended that general primary research into this sub-sector be commissioned, as well as specific research into the backyarding sub-sectors in key cities and towns. Such research should clarify at least the following questions:

- To gain a clearer sense of the **size and structure of the backyarding sector**. For instance the City of Johannesburg is currently arguing that there are double the number of backyard units in Johannesburg as there are units in informal settlements, and the City of Cape Town calculates that one third of the households on its waiting list are in backyard accommodation. Little is known about the real conditions in smaller cities and towns across South Africa.
- To assess **structural changes in backyarding** over the last decade, and reasons for this, in order to predict future changes in demand and supply.
- To obtain clarity on the disaggregation of backyarders by **income, location, household size and structure**.
- To gain a greater sense of the **housing typologies** within the backyarding sub-sector, such as the proportion of formal versus informal units, and the standards of and acceptability of accommodation and services available to both municipalities and tenants.
- To better understand the **relationships between landlords and tenants** (e.g. filial versus economic motivations for providing backyard units), and the changes in relationships over time.
- To gain a better sense of **tenant satisfaction** with the existing products and the acceptability of certain types of backyard products
- To better profile the **dynamics affecting small-scale private sector landlords**, their prevalence, the products that are being produced and the support that could assist them to grow/expand.
- To understand the **impacts of direct and indirect public sector investment** into, and management of the urban environment on the backyarding sector and on small-scale and household landlords.
- To understand locational factors on **where and how backyarding develops**. Does location make a difference if so how and why? i.e. RDP settlement/inner city suburb? Johannesburg versus Ekurhuleni?

Thus there is still a great deal that is not known about backyarding, which needs clarity in order to inform a policy and programmatic responses at the municipal level. SALGA can play a key role in facilitating or undertaking this work directly.

⁴⁰ While the City of Johannesburg and City of Cape Town have undertaken some useful research, and very broad information is available from the 2011 census, this is not sufficiently detailed to create a full picture of the dynamics of this sub-sector. Much of the primary research on which this and other research in this field is based is over five years old and based on specific locations. An opportunity also exists to undertake follow-up surveys of previous study areas, in order to explore dynamics in this sector.

6.3 Response Area 3: Strategise - Municipal Intervention Approaches

Backyarding is not a uniform sub-market. It operates across different types of areas, from informal settlements, through lower-income and new, subsidised areas to middle and upper income suburbs. While principles for engagement are identified below interventions must be sensitive and appropriate to each context. The argument that is essentially posited below is that backyarding is inevitable and useful but it must be appropriately responded to in different contexts using a significant range of tools and instruments that are available. Thus the following factors need to be considered before a municipality undertakes a specific intervention or set of interventions:

- **Landlord Types:** Different types of backyard rental landlord operate in different market segments and have different motivations & requirements. The majority operate to generate primary or secondary sources of income.
- **Area Typology:** Different landlord types generally operate in distinct geographic areas, and deliver specific types (physical forms) of rental housing. A conceptual framework needs to provide scope to facilitate different types of landlords providing different types of accommodation in different zones.
- **Rental Affordability and Demand:** Demand for affordable rental accommodation outstrips supply for households earning less than R10 000 per month (i.e. for rentals of R3500 or lower per month). Therefore supports must be put in place to encourage supply of affordable rental, such as that provided by backyarding. This may require a tradeoff by municipalities between informality / accommodation standards and the proportion of households accessing basic shelter and services.
- **Accommodation Standards:** In assessing where to intervene, the question of acceptable accommodation standards must be addressed if interventions are to be targeted down-market.

Furthermore, municipalities need to make clear policy decisions around the strategies being encouraged in the backyard rental sector. Municipalities should, from the outset, differentiate their strategy towards the backyarding sector to consider at least the following strategic elements. These are not mutually exclusive approaches, but nor is it possible for backyarding to satisfy all of these policy directions:

- **Housing/Human Settlements considerations:** Municipalities must place backyarding within an overall human settlements and rental response that considers the total accommodation market.
- **Accommodation Production and basic shelter:** encouraging the development of basic, affordable accommodation via the Backyarding sub-sector, as an important producer alongside subsidised and other private housing delivery systems..
- **Welfare:** Supporting backyarding in improving people's quality of life through improved shelter and access to basic services.
- **Livelihood:** Encouraging small-scale landlords and household entrepreneurs as a part of a livelihood support and entrepreneur local economic development strategy. Considering the business prospects of backyarding is as important as its shelter implications
- **City Building:** Encouraging processes of densification/compaction, promoting better utilisation of existing serviced land, and increasing the number of households living on well-located land.

6.4 Response Area 4: Guide

Municipalities have many land use management and control instruments that can be critical in guiding and pro-actively facilitating required outcomes from backyarding.

- **Land Use Management Systems:** Most municipalities are going to need to substantially replace their LUMS approaches in order to meet the requirements of new national and provincial legislation (SPLUMB and provincial frameworks currently being developed or recently promulgated). This provides an excellent opportunity to review how backyarding may be pro-actively included and managed in future land use systems.
- **Town Planning Controls:** Zoning controls, densities, planning standards, land size, subsequent dwelling unit allowances could all be used to control growth and direct it in healthier and more acceptable ways.

6.5 Response Area 5: Plan

There are an array of design interventions that need to be considered when seeking to encourage, support and protect investors and occupiers of rental accommodation.

- **Pro-active Settlement Design, Stand and township layouts:** The manner in which a stand or township is laid out can affect the nature and direction of growth. In greenfield development serious consideration should be given to stand sizes sufficiently large and layout appropriate for subsequent construction, as well as the provision for a proportion of larger stands for rental accommodation development.
- **Settlement Design (Reactive):** In areas of existing backyarding, redesign of infrastructure and social facilities, and strategic investments in public infrastructure can have a significant effect on improving living conditions in such areas.
- **Site layout and House Design:** The design and construction of original accommodation units should consider providing for later extension or addition of second stories, or that leaves space for the development of secondary accommodation for rental. These options could be included in the title deed of the plot and would mean that planning permission is not necessary thus cutting down on administration whilst still being able to direct and regulate growth.

6.6 Response Area 6: Invest

The need to ensure proper investment in urban infrastructure to support the growth and management of higher densities resulting from backyarding is a critical municipal function.

- **Bulk Infrastructure Planning:** A major concern of municipalities is whether bulk services can cater for the added pressures of backyarding. A proactive capacity planning approach can ensure that facilities are able to cope with this added pressure. In fact, much evidence indicates that households in backyards will generally consume less bulk capacity than those in other types of accommodation.
- **Internal Service standards:** If densification is to be encouraged and supported then the original service specifications need to take into consideration in these future developments:
 - **Service Capacity:** Planning for excess capacity for informal rental growth, planning for separate water, electricity and sewerage connections for household tenants, should all take place from the beginning.

- Service Payment Approaches: There needs to be a consideration for separate metering for services within multiple rental units and household rental.
- **On-Site Infrastructure Provision:** Increasingly, options for on-site infrastructure provision that limits burdens on internal and bulk facilities are available. Many of these may be specifically appropriate to the compact living arrangements in backyarding. Municipalities must consider life cycle investment costs of such infrastructure as well. Options for consideration include solar energy (PV), low-water utilisation technologies, solar water heating and alternative sewer treatment approaches (urine separation, composting).

6.7 Response Area 7: Control

Irrespective of the strategic approach adopted to backyarding, municipalities cannot relinquish their control function. There are three potential ways of considering and managing the norms and standards of backyard units:

- **Performance Standards:** The research identified norms and standards as a key issue that concerns municipalities and limited the potential of some planned interventions. The concept of performance standards is specifically relevant to informal rental housing. This approach can assist municipalities to manage backyard accommodation based on what it delivers in terms of spatial standards and its performance in respect to safety, health and access to basic services, rather than against whether it meets a specific minimum overall standard as currently specified in the housing code. Accommodation may not meet current national minimum accommodation standards but may adhere to (internationally accepted) minimum spatial standards, hygiene/sanitary/washing facilities, thermal performance and fire control.
- **Municipal Management Capacity:** Irrespective of how land use management systems are developed and implemented, ultimately it is up to municipalities to control urban environments in order to ensure outcomes. It is critical that standards to be controlled are appropriate, but even appropriate standards and conditions require regular control. Specifically, building control, inspection and by-law enforcement processes are therefore a critical element in ensuring municipal strategies towards backyarding are met. There are many indications that, if appropriately designed, municipalities have significant power to control and guide backyarding processes.
- **Municipal By-laws:** These could regulate sub-letting, the enforcement of maintenance standards and allow for a system of penalties if landlords did not follow the rules. These are also relevant to controlling unsuitable uses of backyarding structures, such as polluting industries occurring within residential areas.

It is entirely possible that some combination of the three might be appropriate depending on the circumstances. It is also clear that current norms and standards are not sufficient to facilitate, regulate or even control backyarding. Ultimately, however, the onus rests with municipalities to ensure that appropriate standards are adequately controlled to ensure desirable outcomes, both from the perspective of municipalities and for their residents.

6.8 Response Area 8: Support

Given the complexities of the planning environment there is non-financial support that can be offered to backyard landlords to ensure that they conform to the necessary regulations:

- **Public Sector Operating Performance Enhancements:** A range of municipal functions can be used to facilitate, guide and control backyarding processes:
 - Planning Approval Procedures: Facilitative planning and plan approval procedures are critical if backyarding is to be facilitated and controlled. Without sensitive planning approaches, backyarding will either be damaged or will follow extra-legal routes.
 - Service provision and payments: provision of regular services, correct invoicing for rates and timeous and accurate reflection of payments for services.
 - Improving the Rule of law: Establishing fair approaches for mediating or arbitrating in disputes, and for ensuring timeous evictions (such as rental tribunals).
 - Environmental Improvement Initiatives: Public environment cleanliness, security, etc., specialist business improvement initiatives (such as Johannesburg's Business Improvement Districts) could leverage private investment and improve the overall quality of the environment for tenants and landlords
 - Public Environment Investments: General interventions that 'integrate areas into the urban fabric' and upgrade their status as neighbourhoods have an effect on rental accommodation demand. These could include crime prevention, services installation (water, electricity, sewerage), social services investment (schools, libraries, etc), transport routes and facilities investment.
- **Accessing Financial Products:** These types of interventions are aimed at improving rental landlords' access to finance for the procurement and on-going management of rental stock, and include:
 - Equity Participation: Assisting landlords by improving their ability to raise equity.
 - Long-Term (Institutional) Finance: Provision of medium to long-term financing to rental institutions for their development and growth.
 - Bridging (Project) Finance: Provision of short or medium-term finance during the procurement, development and commissioning of multiple-unit rental stock developments.
 - New financial / credit models & products: Facilitating the availability of finance for non-owned housing. This could include niche products (such as Nedbank's 'Buy to Let' product), new approaches (such as the 'instalment sale' model), business-based finance, small entrepreneur products, etc.
 - End-User Mortgage Finance: Finance linked to the underlying value of the asset constructed (e.g. how the Perm scheme operated).
 - End-User Unsecured Credit: Facilitating credit provision to small landlords for the development or purchase of individual accommodation units for rental.
- **Promoting Factors of Supply:** These are any mechanisms aimed to facilitate the provision of access to any factor of production, excluding finance (including land, buildings, infrastructure & labour):
 - Building stock: identification and release of stock suitable for increased habitation, and densification
 - Building materials access: facilitating access to building materials for the construction of rental accommodation.
 - Pre-fabrication: construction and marketing of pre-fabricated accommodation units or components (such as integrated wet-cores).

- **Technical Support for Product Development:** Technical support options aimed at rental landlords could include:
 - Professional design and development Support: Targeted support to institutions or individuals regarding design, construction, legal procedures, subsidy procurement.
 - Generic product design and development support: Product design and establishment ‘packs’ for generic rental products (this could be applicable to for instance small private landlords’ development of tenements in township areas).
 - Incremental unit improvement: all forms of housing, formal and informal, can be made more energy efficient, better insulated, better ventilated and all better quality through simple interventions. Training in such interventions and the use of appropriate materials, skills and maintenance could mean the continued improvement of accommodation over time.
- **Capacity Building Support for Institutions:** Capacity creation or building initiatives are aimed at building the capacity of existing landlords in order to enhance their effectiveness as rental managers. These could include:
 - ‘Business Incubator’ initiatives to identify new rental entrepreneurs, and grow the capacity of existing or emerging rental businesses.
 - Institutional establishment initiatives: assisting to establish and develop new, small rental landlord capacity in un-or under-serviced areas.
 - Management capacity development support: Development or improvement of landlords’ management capacity to successfully hold and manage housing stock.
 - Operational capacity development support: assisting landlords of all sizes to improve systems and procedures involved in procuring, holding and managing rental stock. This could include the provision of generic systems for small landlords.
- **Municipal capacity building** by SALGA around frameworks for managing backyarding issues will also be a key area of support required.

6.9 Response Area 9: Remediate

With the best, most facilitative frameworks for backyarding, there will be situations where the onus will be on municipalities to remedy problematic or dangerous outcomes resulting from backyarding. This document aims to provide a view of how backyarding can be positively utilised as a city building and accommodation provision methodology by municipalities. However, where public health, safety and security are seriously at risk, municipalities have the obligation to intervene. When such intervention is considered, it is critical for municipalities to consider whether the intervention will ultimately improve or worsen individuals’ accommodation circumstances. In most cases of intervention in the backyard market, the response of individual households is to simply find alternative backyard accommodation, or to regress down the housing typology to live in informal settlement. From a constitutional rights perspective, this places the onus on Municipalities to ensure that households are better off after any intervention. Remediation options are listed below. These responses, and the problems and prospects they hold, are covered in more detail in a number of the case studies in this report:

- **De-densification**, through the removal and relocation of a portion of structures in very dense areas of backyarding;
- **Improvement of standards** of services or accommodation, or
- **Eviction and removal**; or
- **Replacement of structures** with alternative or better accommodation.

- **Providing alternative accommodation** that leads to decreased pressure on backyarding accommodation is a further remediation strategy that is likely to lead to the most positive outcomes. Given recent legal precedents, the onus will also be on municipalities to ensure all people removed from existing accommodation are given access to alternative, transitional or permanent accommodation.

6.10 Evaluation Framework

Each of the potential responses that SALGA and Municipalities could adopt to backyarding will need to be evaluated against a set of criteria to consider its relevance and practicality. Criteria could include:

- **Ease of implementation**
 - Degree of complexity
 - Legislative or regulatory changes required
 - Stakeholder engagement required.
- **Cost of Incentives**
 - Likely cost to the fiscus and municipalities
 - Potential reduced/lost revenue.
- **Management / Administrative requirements**
 - Degree of ongoing management and administration required
 - Complexity of vetting/auditing.
- **Potential to impact**
 - Likelihood that increased supply will result
 - Alignment to supply constraints
 - Alignment to market characteristics.
 - Ability to satisfy demand
 - Impact on need, especially on the most vulnerable.

This section has provided a sense of the different type of interventions that could be considered and demonstrates that there is no lack of options for all spheres of government in their dealing with backyarding. What is critical is that there is a clear framework within which Municipalities develop their strategies, different backyarding conditions are understood and responded to appropriately, that controls and standards designed to influence backyarding are appropriate, and that municipalities invest energy where required to ensure that backyarding is guided to meet strategic objectives.

7. Conclusion: Towards a Backyarding Response for SALGA

This section provides a potential framework for SALGA to anchor its future position on Backyarding, based around five key points.

7.1 Lobby for National & Provincial Policy Frameworks for Backyarding

First, given the scale and trajectory of urbanisation and the increasing recognition of the inability of public sector to respond to the housing need and demand using conventional subsidised housing approaches, it is clear that municipalities must understand and accept that backyarding is an important urban development process. The onus is therefore on municipalities to pro-actively engage with backyarding as a critical and useful, mostly privately driven housing delivery submarket. This starts with changing the discourse around backyarding so that it is understood as a key aspect of city building and co-construction of the city, rather than an illegal or criminal activity with malicious intent.

A critical first step is therefore for SALGA to lobby for the development and promulgation of a national policy response to rental housing generally, and backyarding specifically, in order to guide provincial, city and municipal approaches. This policy must provide a framework from which municipalities can develop relevant positions on backyarding in line with national and provincial policies and critical urban development principles. At its core, a national policy response will need to define the importance of rental housing across all of its sub-markets, consider legislative and other facilitative activities required to support and guide rental market growth, define a direct support / subsidisation strategy for the sector (both where and where not to provide subsidy interventions). Permissible accommodation and service standard specifications will also form an important part of this policy framework.

7.2 Acknowledge Urban Development Potential of Backyarding

Second, municipalities must recognise the significant city-building potential of backyarding, and the potential to influence human settlement outcomes by utilising, guiding and facilitating the inherent energies of the backyarding sub-sector. Backyarding is a multi-billion Rand accommodation and economic sub-sector that provides accommodation options to many low-income households unwilling to, or unable to procure subsidised or formal privately developed bonded housing. The sector is fuelled by private enterprise, and if managed appropriately will require little direct intervention by municipalities. Notably, by definition, all existing and new backyard accommodation occurs within the boundaries of existing urban areas, and can contribute significantly to densification and better utilisation of existing investment in infrastructure. Antagonistic municipal policy responses to backyarding is most likely to worsen accommodation outcomes in cities and towns, as households seek alternative affordable accommodation in other backyard areas, informal settlements, or by overcrowding existing available accommodation. Unless municipal housing strategies are providing sufficient alternative rental accommodation with rentals less than R1000 per month, backyarding provides a critical echelon of housing stock.

7.3 Recognise Positive and Negative Outcomes of Backyarding

Third, It is critical for municipalities to recognise both the potential positive and negative outcomes of backyarding. If not managed appropriately, backyarding can lead to slum-like conditions and serious urban management difficulties. This includes very high densities that create health and safety concerns, 're-informalisation' of formal housing areas and the over-burdening or even breakdown in service provision. If handled sensitively, backyarding can aid in dealing with a range of municipal concerns and priorities. It assists to address a range of basic needs, which include access to affordable, well-located shelter, access to secure rental tenure, access to basic services, accommodation opportunities for smaller households and households that are overtly excluded from subsidised housing sub-markets and cannot afford formal private housing. Further, the role of backyarding in creating small-scale and household landlords who derive complementary and supplementary income directly from the value inherent in their subsidised housing assets must be supported, especially for some of the most vulnerable groups (i.e. the elderly and previously disadvantaged women-headed households). Backyarding also has a profound and important social function, which allows for social cohesion and mutual support between kin networks and larger social groups, as well as support for vulnerable groups.

7.4 Define Municipal Role in Backyarding

Fourth, SALGA should provide clarity on municipalities' strategies towards, and roles and functions of backyarding. This must specify the range of useful responses available to municipalities for engaging with backyarding in their areas. It is important that municipalities understand their ability to guide, facilitate, directly intervene and/or control backyarding within their areas, where it currently exists as well as where it is likely to occur in the future. The range of strategies available to municipalities, and the potential influence these can have on backyarding must be clearly understood. As with all housing sub-markets, backyarding will respond to, and be influenced by a range of supply-side and demand-side factors. This means that municipalities' role in influencing where, to what extent, and with what outcomes backyarding occurs must be considered from the outset. Misguided or heavy-handed municipal responses can just as easily negatively rather than positively influence the outcomes achieved through backyarding. For instance, an anti-backyarding municipal response may simply deflect urban growth into unregulated informal settlement, instead of potentially positive densification of existing areas and provision of necessary and affordable accommodation. Critically, municipalities must understand the importance of good urban management practises in providing a framework for positively guiding the outcomes of the inevitable development of backyarding in urban areas. In addition, to date most municipal responses to backyarding have revolved around improvement of poor backyarding conditions through public investment or subsidisation. While this may have its role in an overall municipal response to backyarding, this can lead to displacement and gentrification, which in turn worsens, rather than improves, overall municipal accommodation conditions.

7.5 Develop Differentiated Municipal Responses

Fifth, municipalities must view backyarding as a complex and highly differentiated accommodation sub-market, and develop policy responses that match this complexity in different contexts. The lessons from the various case studies and interventions outlined in this document indicate that no one initiative or policy response has “cracked” (or indeed is likely to solve) the backyarding question, although there is much to be learnt from each one. Their partial successes and failures demonstrate the complexity of the sub-sector and the need for multi-institutional and multi-dimensional responses at the municipal level.

What these cases also clearly demonstrate is that different responses are appropriate in different situations. Therefore, municipalities must start by defining and categorising the backyarding sub-market in their jurisdictions. This will provide a framework for how to respond in different contexts, including how to provide for, facilitate and control backyarding in newly-planned (Greenfields) settlements; how to encourage positive backyarding outcomes in areas of existing, yet low-density backyarding; how to respond in areas with high backyarding densities; and how to manage slum-like conditions in areas that have uncontrolled densities and a breakdown in service provision and urban management. Municipal responses must carefully consider the roles of land use management frameworks to plan and guide future backyarding outcomes, strategic (re-)investments in infrastructure and social facilities to provide an urban framework that can cope with the added pressures of densification, urban management processes to guide and control development over time, and whether and how state subsidisation may be used to facilitate the development of desirable backyarding outcomes.

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Annex 1: List of Respondents

National Department of Human Settlements

- Stacey-Leigh Joseph, Chief Directorate Research and Policy

Housing Institutions

- Eugene Perumal SHRA
- Paul Jackson TUHF
- Geci Karuri-Sebina SACN

Provinces

Gauteng Province

- Bongsi Mahlangu Department of Housing

Western Cape Province

- Paul Whelan Department of Housing

Municipalities

City of Johannesburg:

- Zunaid Khan Department of Housing
- Peter Ahmed Development Planning Unit

Ekurhuleni Municipality

- Godfrey Hiliza Department of Housing
- Emily Sibanda Planning Unit
- Lehgomolo Marei Planning Unit

City of Cape Town

- Alida Kotzee City of Cape Town
- Sheaan Sims City of Cape Town
- Trevor Mitchell City of Cape Town

Greater Kokstad Municipality

- Thamsanqa Somtseu Ex- Corporate Services Manager
- Joanne Lees Consultant: Integrated Sustainable Development Plan

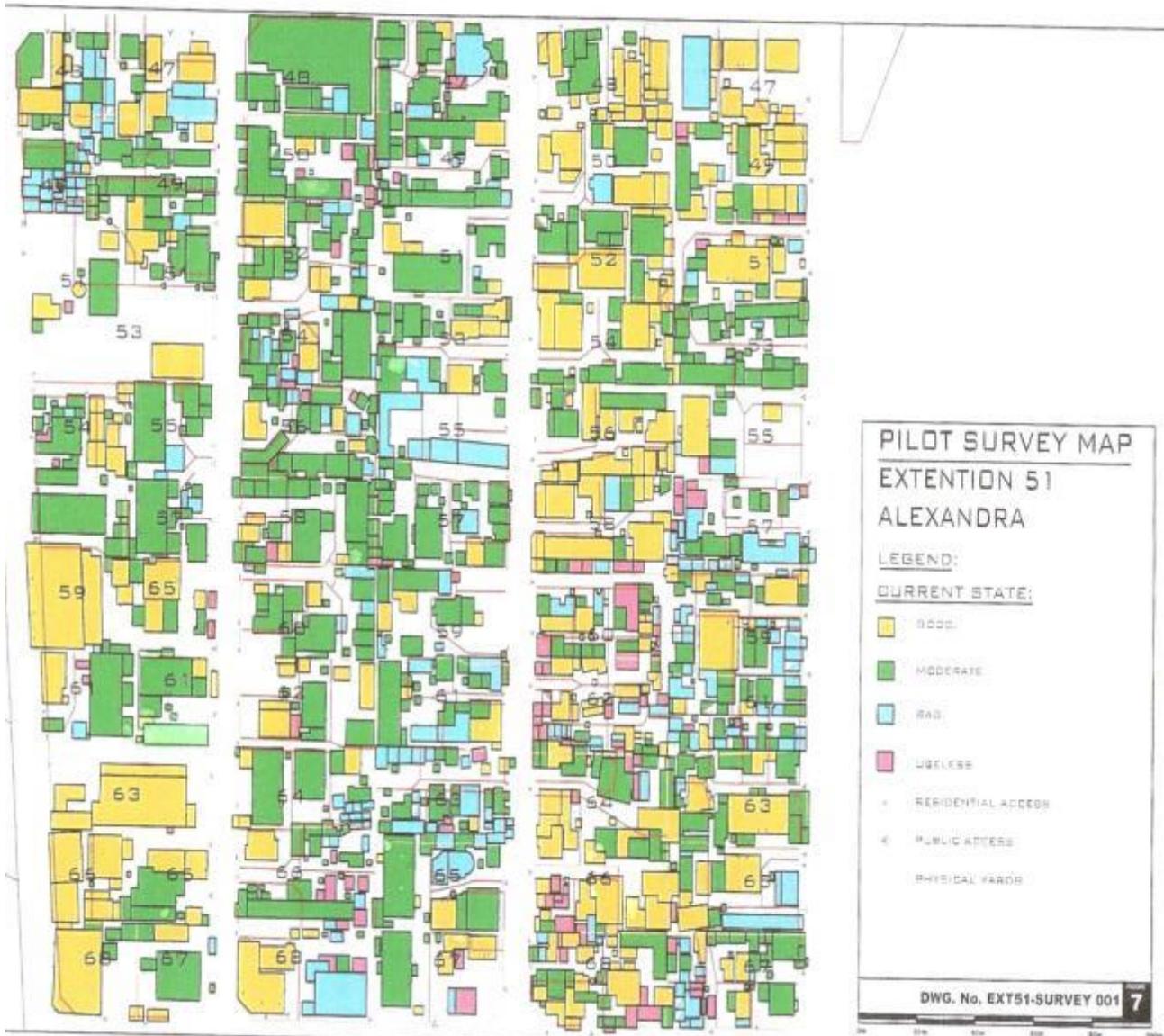
Ethikwini

- Joanne Lees Private Consultant

Other:

- Gemey Abrahams Consultant: SPLUMB
- Lone Paulsen Architect: specific focus on backyarding and medium/high density
- Vanessa Watson University of Cape Town
- Rob McGaffin University of Cape Town / City of Cape Town
- Liza Cirolia City of Cape Town / Isandla Institute
- Shereen Rawat Ex- Project manager ARP

Annex 2: Alex Renewal Project Backyarding Surveys – examples





PILOT SURVEY MAP
EXTENTION 51
ALEXANDRA

LEGEND:

WATER SUPPLY & SEWAGE:

- IN STAND
- IN HOUSE
- NONE
- RESIDENTIAL ACCESS
- PUBLIC ACCESS
- PHYSICAL YARDS

DWG. No. EXT51-SURVEY 001 8

0m 20m 40m 60m 80m 100m