

SECTION 6

ANNEXURES

ANNEXURES

Annexure I POLICY CONTEXT

I. The right to adequate housing

Adequate housing is universally regarded as a basic human need and is inextricably linked to human rights. The indivisibility and interdependence of all human rights find expression through the right to housing, although this link is often unrecognised. The Human Right to Adequate Housing guarantees all people the right to live in security, peace and dignity. At the same time, having access to adequate, safe and secure housing substantially enables people to enjoy a range of other human rights and legal entitlements. For example, the adequacy of a person's housing and living conditions is closely linked to the degree to which the right to environmental hygiene and the right to the highest attainable level of mental and physical health can be enjoyed. The World Health Organisation states that housing is the single most important environmental factor associated with disease conditions, higher mortality and morbidity rates.¹

In addition to the right to access to shelter, adequate housing includes the following indivisible, interdependent and interrelated human rights:²

The human right to:

- adequate shelter;
- an adequate standard of living;
- access to safe drinking water and sanitation;
- the highest attainable standard of physical and mental health;
- a safe and healthy environment;
- an environment appropriate for the physical and mental development of the child;
- access to resources, including energy for cooking, heating, and lighting;
- access to basic services, schools, transportation and employment options;
- affordable housing so that other basic needs are not threatened or compromised;
- freedom from discrimination in access to housing and related services based on sex, race, or any other status;
- choose one's residence, to determine where and how to live and to freedom of movement;
- freedom from arbitrary interference with one's privacy, family or home;
- security, including legal security of tenure;
- protection from forced evictions and the destruction or demolition of one's home including in situations of military occupation, international and civil armed conflict, establishment and construction of alien settlements, population transfer, and development projects; and
- equal protection of the law and judicial remedies for the redress of violations of the human right to adequate housing.

In spite of the general recognition of the importance of the right to adequate housing, the United Nations Centre for Human Settlements estimates that 100 million people worldwide are homeless. Over 1 billion people (at least 600 million urban dwellers from the developing world) live in housing of such poor quality and with such inadequate provision for water, sanitation, drainage and garbage collection that their lives and health are continually at risk.

By 2000 half of humanity lived in urban areas and 95% of urban growth in the next two decades will be in the developing world. By 2030 cities will be home to almost four billion people, or 80% of the world's urban population after 2015, rural populations will begin to shrink as urban growth becomes more intense

in the cities of Asia and Africa, which by 2030 are set to host the largest urban populations, 2.66 billion and 748 million, respectively.

Poverty and inequality will characterise many developing-world cities and urban growth will become virtually synonymous with slum formation in some regions.³ It is evident that the concentration of urban populations in large cities, urban sprawl, rapid urbanisation and growth of cities are among the most significant challenges we face. As a result, the development and well-being of humanity will fundamentally depend on how well it is able to manage its cities and specifically, to adequately house its population. The rights-based approach to housing will become increasingly important.

The right to adequate housing in South Africa is enshrined in Section 26 of the Bill of Rights of the South African Constitution as “the right of access to adequate housing”.⁴ The *Grootboom* judgment and other court rulings have, with the assistance of international recommendations, interpreted what this right means for the State. The key principles are that the State must establish comprehensive and coherent programmes capable of facilitating the realisation of the right; and the measures (legislation, policies, programmes) adopted by the State must be ‘reasonable’ within their context and within the availability of resources. In addition, the needs of the most vulnerable require special attention, e.g. the State must devise, fund, implement and supervise measures to provide relief to those in ‘desperate need’. In 1994, in an attempt to fulfil this right, a new housing policy was introduced providing a range of capital subsidies to ensure that poor families could access secure tenure, services and ‘starter houses’. The Housing White Paper of 1994 set the national housing goal at 5% of total government expenditure.⁵

The rights-based approach to housing is highlighted in the following:⁶

- due to increasing globalisation, the commitment of governments to international and regional human rights policy instruments is becoming essential and the international right to adequate housing is regarded as a basic human right;
- in view of the *Grootboom case* it has become necessary for the South African government to pay attention to its constitutional obligations as the courts have become more assertive around rights issues;
- citizens and civil society are increasingly mobilising around their rights and using constitutional litigation as a strategy; and
- the realisation of human rights is the essence of human development.

The widespread legal recognition of the right to adequate housing is critical. However, housing rights are not just a legal issue. The way that rights are defined and realised is largely a political process that depends on the mobilisation of citizens and civil society organisations, and the engagement of civil society with government about basic needs. The right to housing and, indeed, all economic, social and cultural rights confer a much lengthier and more complex series of obligations on governments. The broad duty to promote the right to adequate housing requires government to educate the public and to strive to create a culture in which the right can become a reality. The key to this lies in the concept of ‘citizenship’. Over and above civic education about rights and responsibilities, citizenship also implies:

- democratic participation (the participation of citizens and civil society in decision making at all levels);
- access to relevant information and assistance to enable citizens and civil society to access their rights; and
- promoting awareness of the duties of broader society in terms of housing rights.⁷

Importantly, the capacity and skills development of government officials to enable them to carry out their duties within bureaucratic, political and financial constraints are fundamental to realising the public’s right to adequate housing.

The obligations of the government include recognising the right to adequate housing by including it in the Constitution, preventing violations of the right, and ratifying international treaties. South Africa’s international obligations with regard to ‘housing and shelter’ as contained in the National Action Plan for the Protection

and Promotion of Human Rights are directed by:

- Article 25 of the Universal Declaration of Human Rights;
- Article 11 of the International Covenant on Economic, Social and Cultural Rights; and
- the objectives, principles and recommendations contained in the Global Urban Observatory Programme and Habitat Agenda.

Preventing violations of the right to adequate housing has three major elements:

- preventing discrimination;
- preventing arbitrary evictions; and
- ensuring an independent judiciary and access to courts.

Government's obligations in fulfilling the right to adequate housing include:

- focusing on integrated development using rights as an organising principle (housing rights are particularly important as an organising principle of government policies and programmes because they overlap with a wide range of other rights); and
- formulating, with broad-based participation, a coherent policy aimed at the progressive realisation of the right to adequate housing. This includes subsidies and the provision of credit. These policies and programmes need to be reasonably implemented.

The monitoring and evaluation of adequate progress is essential. In terms of actual content, an enabling approach needs to be taken, in which the role of non-government role-players is maximised. Core housing programmes need to include:

- housing subsidies;
- facilitating access to credit;
- rapid land release;
- informal settlement upgrading; and
- support for self-help housing.

Special measures for vulnerable groups are required, including measures for people in crisis and desperate situations (e.g. communities displaced by evictions or floods), disabled people, people living with HIV/AIDS, woman-headed households, children, refugees and the homeless.⁸

“The adequacy of housing is about more than meeting basic needs – it is also about social, cultural and political issues and responding to the biophysical environment. This is why what is considered adequate housing in South Africa may differ considerably from what is considered adequate in other parts of the world.”

BESG, 1999

To ensure the sustainability of affordable medium-density housing in South Africa, housing cannot and should not operate in isolation. It has to be realised within the broader policy context of addressing poverty, as is stated in the Housing White Paper (1994):

“... a co-ordinated, multi-faceted approach towards initiating and maintaining sustainable socio-economic development is necessary. Housing interventions by government can at the most be seen as part of an integrated approach by government to resolve the problem of poverty. Government's overall approach to the housing challenge is aimed at mobilising and harnessing the combined resources, efforts and initiative of communities, the private, commercial sector and the State”.

2. Overview of the housing institutional framework

This section is a brief synopsis of the most pertinent institutional and policy components as well as institutions relating to and impacting on settlement development in South Africa and is not intended to be exhaustive.

2.1 Housing related government departments

A variety of national state departments influence different aspects of the housing sector. The most significant ones are mentioned below.

2.1.1 National Department of Housing

This is the primary government department responsible for developing, implementing and monitoring national housing policy, strategy and funding frameworks. It is required to consult with all provincial MECs and the South African Local Government Association (SALGA).

2.1.2 Department of Provincial and Local Government

The Department of Provincial and Local Government (DPLG) has a responsibility to ensure that provincial and local governments are able to implement planning, land, servicing, housing, finance and management related tasks affecting the implementation and sustainability of the housing policy.

2.1.3 Provincial housing departments

Housing is a concurrent competency of national and provincial government, which means that provincial governments can legislate on housing as long as this does not conflict with national legislation.⁹

2.1.4 Other key departments

Other important national departments include the departments of land affairs, education, health and social development.

2.1.5 Local government housing departments

The role of local government is to ensure that residents have access to adequate housing on a progressive basis, according to provincial and national policy and strategy. Local government is therefore tasked with:

- initiating, planning and co-ordinating housing developments;
- identifying, planning and managing land for housing development;
- creating environments conducive to housing development;
- providing built engineering services where these are not provided by other parties;
- administering national housing programmes; and
- municipalities are also able to be accredited as subsidy administrators and have the responsibility for the ongoing management and maintenance of housing areas.

3. The Constitution of the Republic of South Africa (Act No. 108 of 1996)

Through its commitment to the Habitat Agenda (1996), South Africa is obliged to:

*“... improve living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible, affordable, and that includes basic services, facilities and amenities and will enjoy freedom from discrimination in housing and legal security of tenure”.*¹⁰

Section 26 of the supreme law of the country, the Constitution, states:

- “Everyone has the right to have access to adequate housing.
- The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- No one may be evicted from their home, or have their home demolished, without an order of court made after considering the relevant circumstances”.

This provision corresponds with the International Covenant on Economic, Social and Cultural Rights and accordingly, ‘adequate housing’ is measured by factors such as:

- legal security of tenure;

- the availability of services;
- materials, facilities and infrastructure;
- affordability;
- habitability;
- accessibility; and
- location and cultural adequacy.

South Africa's housing policy is consistent with this concept of housing. Constitutional Court rulings on housing rights (and the South African Human Rights Commission's Reports on Economic and Social Rights) often refer to the General Comments of the UN Committee on Economic, Social and Cultural Rights. The *Grootboom* judgment referred to the General Comments as being 'helpful' in understanding the Constitution.

Section 25 of the Constitution is also important in that it relates to property rights. It states that government "must take reasonable legislative and other measures within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis"¹¹. The case of *Soobramoney vs. Minister of Health* in 1997 (KwaZulu-Natal),¹² the *Grootboom* judgment (2000) and other court rulings have, with the assistance of international recommendations, interpreted what this right means for the State. The key principles are that the State must establish comprehensive and coherent programmes capable of facilitating the realisation of the right, and the measures (legislation, policies, programmes) adopted by the State must be 'reasonable' within their context and the availability of resources. In addition, the needs of the most vulnerable require special attention, e.g. the State must "devise, fund, implement and supervise measures to provide relief" to those in desperate need. In contrast to international interpretations of the obligations of the State, the South African courts have rejected the concept of an individual right to a minimum core entitlement, and have instead emphasised the collective right to a reasonable policy.¹³

4. Macro policy frameworks

The democratically elected government adopted two developmental programmes in the early 1990s: the Reconstruction and Development Programme (RDP) and the Growth, Employment and Redistribution Programme (GEAR), although the programmes took different developmental approaches, both aimed at co-ordinating government's developmental efforts into a broad framework of interventions. According to the National Housing Code (2000), housing policy and implementation must accommodate the parameters set by both the RDP and GEAR, while responding to their challenges.

4.1 Reconstruction and Development Programme (RDP), 1994

The Reconstruction and Development Programme (RDP) was developed in the mid-1990s as a blueprint for development. It analysed nationwide living standards and proposed ways to improve government services and basic living conditions for the poor. Originally formulated as a base document, it was adopted by the ANC shortly before the 1994 elections. Thereafter it metamorphosed into a Green Paper and then a White Paper.¹⁴

The RDP detailed the extreme poverty of at least 17 million citizens who were living below internationally accepted minimum standards. The report estimated that 4.3 million families were without adequate housing, and some 12 million people lacked electricity. An estimated 4.6 million adults were illiterate. It envisioned extensive government programmes to raise living standards – to build houses and roads, to provide services, to upgrade education, and to create jobs to narrow the gap between rich and poor.¹⁵ The programme represented a fundamental break with apartheid practices and policies. It was an integrated, coherent socio-economic policy, which aimed to mobilise people and resources towards attaining a democratic, non-racial and non-sexist society. The proposals, strategies and policy programmes contained in the RDP consisted of five related policy programmes, namely:

- meeting basic needs;
- developing human resources;
- building the economy;
- democratising the State and society; and
- implementing the RDP.

Section 2.5.6 of the RDP base document asserts:

“... the approach to housing, infrastructure and services must involve and empower communities; be affordable, developmental and sustainable; take account of funding and resource constraints, and support gender equality. The RDP is committed to establishing viable communities in areas close to economic opportunities and to health, educational, social amenities and transport infrastructure”.

From a quantitative perspective, the success of the housing programme has been astonishing. By 2008, the Department of Housing had:

- delivered more than two million subsidised houses, providing secure tenure for over six million people;
- made available large numbers of serviced stands, facilitating future housing delivery; and
- made restitution of land to those formerly dispossessed, which, though involving smaller numbers, is also substantial.

In spite of these successes, there have been criticisms. Housing quality, and the location and value of subsidised housing has been a main concern. New township developments have perpetuated rather than overcome apartheid spatial patterns, and have been little more than expensive shelters, failing to provide beneficiary households with the financial asset that higher income households realise in their housing. At the same time, demand has increased, fuelling a sense of impatience with government’s progress, evident in an explosion in the number of informal settlements and other informal living arrangements (backyard shacks, overcrowding, and inner-city building occupation) as the poor seek access to the city and urban opportunities.¹⁶

4.2 Growth, Employment and Redistribution (GEAR) Policy, 1996

The Growth, Employment and Redistribution (GEAR) policy is a macro-economic strategy that aims to rebuild and restructure the economy, and contribute to a strong fiscal structure that would realise RDP goals. Making funds available for housing was the most significant housing goal of GEAR. The main challenges were meeting basic needs, developing human resources, increasing participation in the democratic institutions of civil society and implementing the RDP. There was a strong emphasis on limiting government expenditure to prevent high inflation, balance of payment difficulties and poor long-term economic growth and employment prospects.¹⁷

According to the Urban Sector Network¹⁸ there has been much debate about the nature of the transition in South Africa since 1994 and the extent to which the anti-poverty goals and priorities of the RDP have been replaced by the neo liberal prescriptions of the GEAR policy. It has been described as moving towards a combination of development approaches, its transformative content becoming increasingly diluted, or more realistic. There has been some confusion about whether the RDP represented a policy framework or a programme. Several outlined RDP targets and timeframes, particularly with respect to land and housing, have not been matched by performance. Ultimately, the extent to which the RDP ever articulated a programme in any operational sense remains doubtful. GEAR was unveiled as a ‘no alternative’ economic policy. Weeks¹⁹ notes that:

“There are two interpretations of this policy approach by the new government: 1) that a left-of-centre government had shaken off old ideology and pragmatically adopted a macro framework consistent with global economic realities; and 2) that the government had embarked upon an ideologically-generated neo-liberal policy, which would undermine the goal of redressing the gross inequalities of the apartheid period.”

Commentators in the unions,²⁰ churches and NGOs subscribe to the second interpretation:

“By 1996 the ANC government’s economic policy had acquired an overt class character and was unabashedly geared to service the respective prerogatives of national and international capital and the aspirations of the emerging black bourgeoisie.”

Soon after the adoption of GEAR, various commentators warned that government aimed to reduce debt by spending less than it received in taxes (i.e. by running a primary budget surplus) and by privatising state assets. They characterised the shift between the RDP and GEAR as a shift in emphasis from redistributive policies to growth focused policies – with supposed redistributive spin offs. Or to put it differently, a new incarnation of ‘trickle down’ theory. Six issues were highlighted:²¹

- GEAR’s key elements were reductions in government spending and inflation rates, with a view to encouraging private investment, economic growth and thereby job creation and redistribution. While it has succeeded in reducing government spending and inflation to below its own predictions, investment, economic growth and jobs remain far below their target levels. There were conflicts between the objectives of GEAR around reduced state spending and growth-led development strategies, and the anti-poverty objectives of the RDP.
- The focus on small and medium entrepreneurs as key drivers of the economy prioritised those ‘who have the resources to accumulate’.
- From a Keynesian perspective, reducing spending power in the economy would cause it to slow down, while the government’s projections suggested the opposite.
- GEAR’s projections on growth depended on extremely risky guesswork about the extent of private investment that would flow into the country.
- GEAR’s killer assumption about employment creation, namely that the South African growth path would be labour intensive, was criticised, noting that ‘unemployment is a major determinant of poverty and inequality in South Africa.’
- GEAR tried to capture the moral high ground by claiming to be a strategy aimed at redistribution and poverty alleviation; yet, as government spoke of cutting only ‘wasteful consumption expenditure’, it proposed purchasing weapons and corvettes while simultaneously reducing child and family welfare benefits.

Between 1996 and 1999, 400,000 formal sector jobs were lost. Despite growth in the economy, the formal sector continued to lose jobs – often referred to as ‘jobless growth’. The assumption that the South African growth path would be labour intensive appeared seriously flawed, despite attempts to argue that many new jobs have, in fact, been created in the informal sector. The development of government’s ‘no alternative’ mindset around economic policy, together with a misreading of the impacts of globalisation on the poor, created tensions and contradictions with respect to social and economic priorities. The credibility of the GEAR strategy has therefore been continuously challenged, especially with regard to its impact on employment creation and poverty alleviation. The statement of the People’s Budget Response on the 2001 Medium Term Budget Policy Statement expresses the current critique succinctly:²²

“The hope that this tight fiscal and monetary policy would attract private investment which in turn would drive economic growth, create jobs and lead to a more equitable income distribution has not materialised – in fact the opposite has happened ... The cutbacks from about 1996 onwards have had devastating effects on social and economic service delivery.”

4.3 Accelerated and Sustained Growth Initiative South Africa (ASGISA), 2006

In the past decade, the policies of macro-economic stabilisation and trade liberalisation have contributed significantly to improved economic growth performance. Past growth strategies, such as the RDP and GEAR, have been successful in supporting accelerated economic growth on the back of a stable economic environment. However, despite the increases in economic growth rates, growth has been unable to eradicate poverty by resolving unemployment, redistribution and associated socio-economic problems.

ASGISA was therefore introduced as an initiative comprising strategic interventions to counter the main constraints on economic growth. In general, ASGISA was expected to drive the economy at a higher rate of growth, while expanding its redistributive benefits towards the majority of South Africans.

ASGISA consists of government interventions in six areas that are expected to transform the structures of production, incomes and ownership in favour of the poor; thus sustaining economic growth. Government policy interventions under ASGISA are expected to overcome the lack of investment in social and economic services targeting the poor and marginalised communities.²³ The six areas aimed at countering 'binding constraints' are:²⁴

1. Infrastructure.
2. Sector (or industrial) strategies.
3. Education and skills development.
4. Second economy interventions.
5. Macro-economic issues.
6. Governance and institutional interventions.

Like many other developmental initiatives, ASGISA raised complex problems in relation to co-ordination, implementation and monitoring. Ultimately, its success should be on how well the overall public policy interventions perform with respect to redistributing wealth, facilitating access to basic services for all citizens and closing inequality gaps among social groups.

5. National co-ordinative planning frameworks

Development (or planning) frameworks try to provide a shared vision for development, to ensure that planning and development objectives are sustained by appropriate government spending.

5.1 The Urban Development Framework, 1997

The Urban Development Framework, guided by the RDP and striving to give substance to GEAR and other development programmes and initiatives, sets the framework nationally for urban housing policy and development. The Urban Development Framework concentrates on four key programmes:²⁵

- integrating fragmented, segregated and inequitable cities;
- improving housing and infrastructure;
- promoting urban economic development; and
- creating institutions for delivery.

However, it lacks a clear implementation framework and urban land issues remain the responsibility of the Departments of Housing and Land Affairs. As a result, specific sectoral development and investment programmes, e.g. housing, water, transport, bulk infrastructure investment, local economic development programmes, social plan funding and land reform funding, remain the main drivers of development activity. These programmes tend to lack spatial focus and are mostly determined by the availability of reasonably priced land, or in response to the implementation of housing projects.²⁶

5.2 Provincial Growth and Development Strategy

After 1994, the national government mandated the Department of Provincial and Local Government (DPLG) to develop a planning tool that would link the different spheres of government. The DPLG developed the National Spatial Development Perspective and Integrated Development Plans, which later resulted in the development of the Growth and Development Strategy (GDS). The GDS was used as a framework for the development of Provincial level Growth and Development Strategies (PGDS). PGDS' are intended to draw on and align national policy frameworks with provincial policies and programmes to aid provinces in dealing with poverty, economic development and service delivery. According to a September 2006 update from the DPLG, municipalities were in the process of hosting Growth and Development Summits, with the purpose of contributing to the updating and revising of PGDSs. Most PGDS are currently being revised or updated.²⁷

In the Western Cape, the PGDS accommodates the existing *iKapa Elihlumayo* (Growing the Cape) base strategies into a single framework, articulated through a mission to achieve shared growth and integrated development.²⁸ It spells out the developmental and leadership role of the provincial government and maps the drivers for economic growth and growth-enhancing action. Its strategic goals provide significant pointers for the human settlement/housing strategy. The strategy addresses broadening economic participation through targeted investments, accessible transport, and creating liveable, creative and resilient communities, with the goals providing the basis for a long-term development path. The PGDS maps a set of strategic interventions, which requires a refocus of provincial government's core business around principles of shared growth and integrated development with a set of specific lead interventions.

Importantly, as a strategy, it gives equal weight to social, environmental and economic considerations using specific definitions for addressing the fragile ecological base, the fragmented social structure and widening rates of ability to participate in the economy. It structures particular regional approaches, and significantly, it assists to structure an approach mediated by spatial configurations internal to those regions. Interventions in locations where there are dense concentrations of poverty are emphasised. The PGDS puts forward an approach based on specific locational understandings and institutional imperatives, especially co-operation between government spheres, mediated through the inter-governmental relations framework. It proposes the means to apply an integrated approach per region via an IDP interpretation and offers two significant pointers to the human settlement strategy. It notes what is expected from housing with regard to building non-racial settlements and the role of the poor themselves in being empowered to participate in economic activities.²⁹

5.3 National Spatial Development Perspective, 2003

Cabinet adopted the National Spatial Development Perspective (NSDP) as an indicative framework in January 2003. This perspective has its origins in the concern that national investment and development programmes were not fully addressing the distortions of the inherited apartheid space economy. The NSDP seeks to provide national principle-led guidance in all forms of planning for infrastructure investment and development spending, as well as an arena for debate within and between spheres in such planning exercises. The NSDP states that social objectives can best be achieved by focusing on economic growth, and that infrastructure investment should thus be focused in sustainable areas with development potential. In areas with little or no potential, the focus should fall on people and not places; beyond providing the constitutionally mandated minimum levels of services, the emphasis should be on high levels of development spending on education and health, among other things, to enable people in such places, and especially the young, to gravitate over time to areas with potential. In this regard, the NSDP differs from a number of international examples of national plans/perspectives, as well as from the underlying philosophy of the RDP.³⁰ Since its adoption by Cabinet in 2003, key development trends have necessitated a review, update and amendment of the NSDP.

6. Housing-related legislation

6.1 Housing White Paper, 1994

Against the backdrop of the RDP, at the dawn of democracy, the Department of Housing's *White Paper: A New Housing Policy and Strategy for South Africa* (1994) declared upfront that "(h)ousing the Nation is one of the greatest challenges facing the Government of National Unity".³¹ The Department maintained that South Africa's history had produced a "wasteful settlement structure" in which are inherent:

"... inefficient and inequitable cities. The geographic segmentation of living areas according to race and class, urban sprawl, and disparate levels of service provision and access to amenities in different areas make South Africa's cities very inequitable, inefficient and relatively expensive to manage and maintain".³²

The White Paper therefore recognised the importance of mitigating sprawling, fragmented settlements and stated that "(p)olicies, administrative practice and legislation should promote efficient and integrated development" through, among other things:

- the location of residential and employment opportunities in close proximity to or integrated with each other;
- a diverse range of land usage at all levels;
- discouraging urban sprawl;
- the development of more compact settlements, towns and cities;
- the correction of the historically distorted racial and spatial pattern of South African towns, cities and rural areas;
- facilitating and encouraging environmentally sustainable development;
- the allocation of well-located land “specifically for affordable housing alternatives”;³³ and
- a land and tenure system that caters for the variety of different housing delivery approaches.

The Housing White Paper is the main housing legislation relating to government’s extensive housing policy and strategy. According to the White Paper, “Government’s approach to the housing challenge is aimed at mobilising and harnessing the combined resources, efforts and initiative of communities, the private, commercial sector and the State” (p27). Seven key strategies were identified to address this challenge:

1. *Stabilising the housing environment* in order to ensure maximum benefit of State housing expenditure and mobilising private sector investment.
2. *Facilitating the establishment or directly establishing a range of institutional, technical and logistical housing support mechanisms* to enable communities to continually improve their housing circumstances.
3. *Mobilising private savings (whether by individuals or collectively) and housing credit* at scale, on a sustainable basis and simultaneously ensuring adequate protection for consumers.
4. *Providing subsidy assistance* to disadvantaged individuals to assist them to gain access to housing.
5. *Rationalising institutional capacities* in the housing sector within a sustainable long-term institutional framework.
6. *Facilitating the speedy release and servicing of land.*
7. *Co-ordinating and integrating public sector investment and intervention* on a multi-functional basis.

6.2 Housing Act, 1997 (No. 107 of 1997) and amendments

National Housing Policy is contained in the Housing Act, setting out the basis for the housing subsidy programme. The Act is the main legislation governing the housing sector. The policy defines:

- the roles and functions of all three spheres of government (especially that of local government not being an optional provider of housing anymore);
- the establishment and operation of statutory bodies;
- the establishment of housing norms and standards;
- the allocation of housing funds to provinces;
- the management of assets;
- liabilities, rights and obligations; and
- the production of housing information.

In addition, the Act replaces and repeals all past housing legislation.³⁴

The principle behind the allocation of roles as defined in the Act is that government functions should be performed at the lowest possible sphere, closest to the people, that is, at local government level. ‘Housing development’ is defined in the Housing Act as (p3):

“1(vi) ... the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, educational and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to:

- (a) permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements; and
- (b) potable water, adequate sanitary facilities and domestic energy supply”.

The Housing Act has been amended a number of times, with the Housing Amendment Act of 2001 being

the most notable, to bring housing legislation in line with the imperatives of the Constitution. Proposed amendments to the Act were executed in the Housing Amendment Bill (2006) under Section 10A and Section 10B. These sections have merged into a new Section 10A entitled 'Restriction on sale of state-subsidised housing' and Section 10B has been repealed due to:

- the escalating sale of state-subsidised houses at greatly reduced prices;
- the sale of state-subsidised houses to persons who do not qualify for a subsidised house; and
- the sale of state-subsidised houses at a very low price to settle claims by creditors for debt that is not related to housing.

Cabinet has approved the Housing Amendment Bill (2006). The latest developments as at June 2008 are that the Department of Housing has made additional amendments to the draft Amendment Bill. The Bill has been returned to the Minister for approval and thereafter it will be discussed at Cabinet.³⁵

6.3 Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements, 2004

See Policy context in Section 3.

6.4 Housing Development Agency Bill

In May 2008, Parliament approved the Housing Development Agency Bill, after which the measure was forwarded to the National Council of Provinces for consideration.³⁶ The Bill enables the Department of Housing to establish the Housing Development Agency (HDA) as a statutory body responsible for the acquisition and rapid release of well-located land for integrated settlements. The agency's facilitation of the rapid release of land is key to the implementation of the BNG policy and will improve the efficient location of human settlements. The establishment of the HDA would strengthen the State's ability to improve the delivery and quality of human settlements. Its main purpose is to address:³⁷

- the shortage of well-located land;
- the rapid development of sustainable human settlements by proactively improving inter-governmental relations across all three spheres of government by ensuring that needed inputs are delivered; and
- the supply of much needed project management capacity for government projects.

The HDA is intended to assist municipalities and provincial departments in cutting red tape that prohibits the acquisition of suitable land, and to aid with minimising red tape in the approval of development by both government and the private sector. Municipalities will be expected to use their housing sector plans to identify local housing land needs. The provincial housing departments will be responsible for assisting local authorities to develop their land needs assessments and co-ordinate individual municipal submissions into a provincial plan. The Bill provides for an agreement between the HDA and a municipality where a council lacks the capacity to acquire, hold, develop and release land for residential or community development. Such an agreement will allow the HDA to undertake these tasks on behalf of the municipality. The HDA will also be empowered to assist municipalities to complete unfinished projects and the Bill provides for the facilitation of project management.³⁸

The acquisition of land will be facilitated in a way that supplements the capacities of government across all spheres. The HDA will also facilitate relationships between housing departments attached to different spheres of government and the commercial banks, particularly in the packaging, financing and implementation of projects. It will proactively facilitate collaboration with other sectors in developing such land to achieve sustainable human settlements. Rationalised institutions such as Thubelisha Homes and Servcon will be incorporated into the new HDA.

7. Housing tenure

7.1 Social Housing Policy, 2005

In August 2003 MINMEC adopted the proposals contained in the document *A Social Housing Policy for South Africa (July 2003)*. In order to ensure alignment with the broader national strategy, the policy was reviewed³⁹ and approved by MINMEC in June 2005.

According to the 2005 Social Housing Policy document, social housing must adhere to the general principles set out in the Housing Act, as well as legislation such as the Rental Act (Act 60 of 1999). The policy must be read in conjunction with the White Paper on Housing (1994), the Urban Development Framework (1997) and the National Housing Code, as well as BNG (2004).

The social housing programme has two primary objectives:

- firstly, to contribute to the national priority of restructuring South African society by addressing structural, economic, social and spatial dysfunctionalities, thereby contributing to Government's vision of an economically empowered, non-racial, and integrated society living in sustainable human settlements; and
- secondly, to improve and contribute to the overall functioning of the housing sector and in particular the rental sub-component, especially insofar as social housing is able to contribute to widening the range of housing options to the poor.

The guiding principles for social housing should:

- promote urban restructuring through the social, physical and economic integration of housing development into existing areas, likely to be urban or inner-city areas;
- promote the establishment of well-managed, quality rental housing options for the poor;
- respond to local housing demand;
- deliver housing for a range of income groups in a way that allows social integration and financial cross-subsidisation;
- support the economic development of low-income communities in various ways;
- foster the creation of quality living environments for people with low incomes;
- promote a safe, harmonious and socially responsible environment both internally to the project and in the immediate urban environs;
- promote the creation of sustainable and viable projects;
- encourage private sector involvement where possible;
- facilitate residents' involvement in the project and/or that of key stakeholders in the broad environment;
- ensure secure tenure for project residents on the basis of the general provisions for the relationship between residents and landlords as defined in the Housing Act (1997) and the Rental Housing Amendment Act (2007);
- be facilitated, supported and/or driven by all spheres of government;
- ensure transparency, accountability and efficiency in the administration and management of social housing stock;
- promote the use of public funds in a manner that stimulates and/or facilitates private sector investment and participation in the social housing sector; and
- operate within the provisions of the Constitution, the Public Finance Management Act (No. 1 of 1999) and other statutory procurement prescripts.

The Social Housing Bill has been submitted to the Minister for final approval. Thereafter the Bill will be introduced in Parliament.⁴⁰ The function of the Bill is to:

- promote and establish a sustainable social housing environment;
- define the functions of national, provincial and local governments in respect of social housing;
- provide for the establishment of the Social Housing Regulatory Authority to regulate all social

- housing institutions obtaining or having obtained public funds;
- allow for the undertaking of approved projects by other delivery agents with the benefit of public money; and to
- give statutory recognition to social housing institutions.

7.2 Rental Housing Act, 1999 (No. 50 of 1999)

The Rental Housing Act, 1999, defines the role of government in rental housing and ensures the increased provision of and access to housing for rental purposes. Government is responsible for promoting a stable and growing market that meets the needs of historically disadvantaged individuals, through incentives, mechanisms, and measures such as:

- improving conditions in the rental housing market;
- encouraging investment in areas that are in need of revitalisation and resuscitation; and
- correcting distorted patterns of residential settlements.

The above measure must:

- optimise the use of existing urban and rural municipal transport infrastructure;
- redress and inhibit urban fragmentation and sprawl;
- promote higher residential densities in existing urban areas as well as in areas of new or consolidated urban growth; and
- mobilise and enhance existing private capacity.

The Rental Housing Act also provides for the protection of both tenants and landlords from unfair practices and exploitation, and allows for a special tribunal to mediate between them in the event of disputes. It outlaws the existing practice of evicting long-standing tenants from their homes without mediation. According to the Act, national government must introduce a policy framework, including norms and standards on rental housing.

The Rental Housing Amendment Act, 2007, addresses certain implementation problems that have been encountered since the promulgation of the Rental Housing Act in 1999. The Amendment Act was passed by Parliament in late 2007. *Inter alia*, these amendments:

- expand the power of the Rental Housing Tribunals to issue interdicts and make spoliation and attachment orders (for both landlords and tenants); and
- criminalise non-court ordered evictions and 'constructive' evictions (i.e. cutting off essential services).

7.3 The Co-operatives Act, 2005 (No. 14 of 2005)

This Act provides for the formation, registration and winding up of co-operatives. The purpose of the Act is to:

- ensure that international co-operative principles are recognised and implemented in South Africa;
- enable co-operatives to register and acquire a legal status separate from their members; and
- facilitate the provision of targeted support for emerging co-operatives, particularly those owned by women and black people.

The Act now falls under the jurisdiction of the Minister of Trade and Industry rather than the Minister of Agriculture. A feature of the new Act is that it contains schedules with provisions specific to housing co-operatives, worker co-operatives, financial services co-operatives and agricultural co-operatives.

7.4 Sectional Titles Act, 1986 (No. 95 of 1986) as amended

The Sectional Titles Act (recently amended, Act 7 of 2005) regulates the approach to and operation of sectional title schemes, which constitute a complex tenure arrangement aimed at immediate and/or immediate future individual ownership. It is also the only realistic legal option enabling installment sale mechanisms.⁴¹ The Act provides for:⁴²

- the division of buildings into sections and common property and for the acquisition of separate ownership in sections coupled with joint ownership in common property;
- the control of certain incidents attaching to separate ownership in sections and joint ownership in common property;
- the transfer of ownership of sections and the registration of sectional mortgage bonds over, and real rights in, sections;
- the conferring and registration of rights in, and the disposal of, common property;
- the establishment of bodies corporate to control common property and for that purpose to apply rules; and
- the establishment of a sectional titles regulation board.

8. Land development

Most notable among land and planning legislation is the Development Facilitation Act. Other legislation includes the Less Formal Townships Establishment Act, 1991; the Draft Land Use Management Bill, 2006 and the Local Government Transition Act, 1993.

8.1 Development Facilitation Act, 1995 (No. 67 of 1995)

The Development Facilitation Act introduced 'fast-track' measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land, and lays down general principles governing land development. It provides for the establishment of a Development and Planning Commission to advise government on policy and legislation regarding land development, as well as development tribunals to make decisions and resolve conflicts. It also provides for nationally uniform procedures for the speedy subdivision and development of land. Importantly, it promotes security of tenure while ensuring that end-user finance in the form of subsidies and loans becomes available as early as possible during the land development process.

The Act's purpose is to promote mixed-use development and to develop settlements that are environmentally sustainable, integrated and compact. Key implications of the Act are as follows:

- development should occur in an orderly manner with no illegal occupation of land;
- it is essential to integrate and densify the city; and
- local government spatial planning needs to ensure that new residential development occurs in such a manner that sufficient land is reserved for open space and non-residential activities.

The Housing Act of 1997 makes reference to the Chapter 1 Principles of the Development Facilitation Act, which include:

- promoting integration with respect to social, economic, institutional and physical aspects of development;
- promoting the location of residential and employment opportunities in close proximity to or integrated with each other;
- optimising the use of existing resources (bulk infrastructure, transportation, social facilities);
- providing for a diverse mix of land uses;
- discouraging urban sprawl and contributing to more compact cities and towns;
- contributing to the correction of the historically distorted spatial patterns of South African cities and towns;
- encouraging environmentally sustainable land development practices;
- encouraging active community participation;
- capacity building and skills development of disadvantaged persons;
- providing for security of tenure and the widest possible range of tenure alternatives; and
- providing policy, administrative practice and laws which stimulate the effective functioning of a land development market based on open competition between suppliers of goods and services.

9. Guidelines, regulations and regulatory bodies

9.1 National Building Regulations, 1990

Building regulations are legal instruments aimed at ensuring that buildings provide socially acceptable levels of health, safety, welfare and amenity for occupants and for the community in which the building is located. This is usually achieved through regulatory controls on the design, construction and operation of buildings, including structural stability, fire safety, heating, lighting, ventilation, plumbing, sanitary facilities, indoor air quality and sustainability.⁴³

The South African National Building Regulations (1990) make provision for local authorities, who are responsible for enforcing the regulations, to obtain a test report or evaluation certificate issued by the SABS, the CSIR or the Agrément Board of South Africa, if they are dissatisfied with the adequacy or safety of any construction system, method, material, article or product used during the construction process. However, as is often the case with policies in developing countries, there is a tendency to have unrealistically high standards, which make housing unaffordable and hamper delivery and creativity.

A revised interpretation of the National Building Regulations (NBR) embodied in the SANS 10400 of 2004 (South African National Standard) converts the functional regulations into performance-based regulations. It suggests how performance parameters relating to fire safety, sanitation systems, moisture penetration and structural safety, serviceability and durability can be established to reflect societal expectations in a developing country, in a manner that supports sustainable development objectives. In addition, SANS now makes provision for the development of acceptable solutions for indigenous forms of construction, and allows the poor greater accessibility to a range of buildings.

A report commissioned by the National Department of Housing in 2003 recommended that the National Building Regulations and Building Standards Act, 1977, be amended to incorporate the enforcement of minimum standards relating to energy efficiency.⁴⁴ Regrettably, housing subsidy amounts have not kept up with inflation and therefore raised norms and standards are especially problematic. It is imperative that norms and standards be reviewed on an ongoing basis to ensure that they are appropriate, affordable and enforceable. They should be the minimum to ensure health and safety.⁴⁵

9.2 Guidelines for Human Settlement Planning and Design (The Red Book), 2000

Guidelines for Human Settlement Planning and Design (the Red Book) replaces the previous edition entitled *Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development* (1994). This first edition was outdated regarding principles and information, engineering technologies and the absence of an integrated, holistic approach to planning, and no longer met the challenges of a society in transition.

The latest edition of the Red Book is “*explicitly not intended to be an administrative ‘check list’ for local authority officials,*”⁴⁶ simply providing serviced plots in the most cost-effective manner, but should rather provide engineers, urban planners and other professionals with guidance on appropriate practices and technologies, and the creation of sustainable and vibrant human settlements. Rigid application of the contents is strongly discouraged and ideally, communities should be able to exercise choice within a range of proven designs. The authors state that it is imperative that the Red Book be a ‘living document’, reflecting the continual changes in society’s values and priorities, as well as technology.

The intention of the manual is to provide performance guidelines and information on spatial and structural principles for settlement-making, planning method and participation, guidelines regarding movement networks, public transport, open spaces, public facilities and utilities, land subdivision, environmental design, stormwater management, water supply, sanitation, solid waste management and energy. However, only ‘local’ services and planning issues are considered and the provisions contained in the document are not legally enforceable.

9.3 National Norms and Standards for Permanent Residential Structures, 1999

According to Section 3(2)(a) of the Housing Act, 1997, the Minister of Housing must determine national policy, including national norms and standards, in respect of housing development. The reason for this provision is that a considerable portion of the housing subsidy goes towards unaffordable and unsustainable levels of municipal services, resulting in very little money left for an adequate permanent residential structure. This is especially relevant considering that approximately 80% of households qualifying for housing subsidies have a monthly household income of R1,500 or less⁴⁷ and generally only have the maximum subsidy of R38,984 (with effect from 1 April 2007) to provide for their housing needs.

The National Norms and Standards for Permanent Residential Structures that became effective on 1 April 1999, require that buildings and services comply with the requirements of the NBR and with the relevant SABS (South African Bureau of Standards) codes of practice, in accordance with the requirements set out in the National Housing Code.

The National Norms and Standards deal with aspects ranging from structural design, dimensions and site preparation, to building materials, lighting, ventilation and environmentally efficient housing. The minimum size of permanent residential structures provided through the balance of the housing subsidy after the provision for basic services is determined at 30m² (gross floor area) in the National Norms and Standards. According to the 2007 adjustment of the government housing subsidy quantum, the minimum size of a subsidised house is set at 40m².

9.4 Guidelines for Environmentally Sound Low-Cost Housing

Despite legislative requirements, little or no significance is given to environmentally-sound energy-efficient principles when it comes to the provision of low-cost housing. This is especially alarming because in a successful housing programme “(a)ffordability, human health, and a clean and balanced environment are closely linked”.⁴⁸ Often even a straightforward and no-cost matter such as correct solar building orientation is not taken into consideration.

The national and provincial departments of housing are required in terms of the National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA) to prepare a Consolidated Environmental Implementation and Management Plan (CEIMP) for any housing development activities that will have an impact on the environment. The implementation plan has to be regularly monitored and reviewed. The second edition of the CEIMP is complete and the Department of Environmental Affairs and Tourism extended the deadline for submitting plans for all national and provincial departments until March 2008.⁴⁹

An interdepartmental Environmentally Sound Low-Cost Housing Task Team was established in January 1998 with representatives from the departments of minerals and energy, environmental affairs and tourism, water affairs and forestry, and housing. The task team is responsible for developing national policy on environmentally-efficient, low-cost housing, the development of standards and guidelines, incentive programmes, a financing mechanism and general awareness-raising initiatives, encouraging environmentally sound practices in the housing sector, and supporting environmentally sound housing initiatives. One of the key proposals of the first edition of the CEIMP was the expansion of the task team to include a broader range of stakeholders. The product, *Environmentally Sound Low-Cost Housing: Draft Guidelines for Implementation* (October 1998), was prepared for use in the provision of subsidy housing, taking into account the issue of affordability as a key constraint in its recommendations on energy- and water-efficient practices.⁵⁰ This document resulted in the *Environmentally Sound Low-cost Housing Guidelines* (2000) by the Department of Housing. The Housing Act of 1997 makes provision for the development of norms and standards to which developers, contractors and individuals must adhere when constructing subsidy housing. The guidelines formulated by the task team are intended to be incorporated into the Department of Housing's Norms and Standards.

In a media briefing of the 2006/2007-budget vote statement (24 May 2006), the national Minister of Housing, Lindiwe Sisulu, stated that the Department of Housing is compiling a framework for environmentally sound housing that identifies policy gaps and provides guidelines for environmentally friendly homes.⁵¹

A presentation by the Department on 7 March 2007 reported that draft guidelines for environmentally sound low-cost housing have been completed and will be incorporated into the revised Housing Code.⁵²

9.5 National Home Builders' Registration Council

During the early 1990s, it was found that methods of legal redress against sub-standard building were inadequate. The National Home Builders' Registration Council (NHBRC), set up as a Section 21 Company in 1995 and now a statutory body, protects housing consumers through the Product Defect Warranty Scheme. The NHBRC registers home builders, sets minimum ethical and technical standards and requires registered builders to offer a Standard Home Builder's Warranty (valid for five years) on all bondable new homes. Builders who wish to access credit must be registered with the NHBRC and adhere to its building standards and guidelines. Housing consumers accessing a bank loan to buy a newly built home may only buy one that has been built by a registered builder.

Most of the NHBRC's funding derives from registration fees, which go towards the Product Defect Warranty Fund that pays for repairs to building defects the builder refuses to repair, or when the builder absconds. In terms of the Housing Consumer Protection Measures Act, 1998 (No. 95 of 1998), the NHBRC home warranty scheme also applies to housing subsidy-financed houses constructed as part of approved projects. The Warranty Scheme applies to existing housing stock purchased by beneficiaries through individual subsidies, though not to institutional housing subsidy programmes where existing buildings are converted and upgraded. This provides greater comfort to financial institutions by ensuring that they are investing in quality products, even in the low-income housing sector. In addition, the NHBRC:

- carries out spot check inspections on enrolled homes under construction to verify that home builders comply with the NHBRC's building standards and guidelines; and
- provides a conciliation and arbitration service to consumers and registered home builders if major structural defects arise after completion of the enrolled unit.

9.6 Housing Consumer Protection Measures Amendment Act, No. 17 of 2007

Residential builders have to register with the National Home Builders' Registration Council (NHBRC) and are obliged to enrol all new houses under the NHBRC's Defect Warranty Scheme in terms of the Housing Consumer Protection Measures Act, 1998. The Act aims to protect homeowners from inferior workmanship. All new government subsidised housing units constructed as part of approved projects are protected against shoddy workmanship by housing contractors. Properties built with government housing subsidy funding only benefit from protection against structural defects and must comply with minimum technical norms and standards. Previously the properties of the poor did not qualify for such protection, but the NHBRC now ensures that registered builders deliver within the minimum housing standards. The Housing Consumers Protection Measures Amendment Act, 2007, is the third act to amend the Housing Consumers Protection Measures Act, No. 95 of 1998, in terms of which the National Home Builders' Registration Council is established and regulated.

Some of the most significant amendments include:⁵³

- amendment and addition of certain definitions, words and expressions;
- clarifying the scope of application of the Act;
- providing for late enrolment and non-declared late enrolment;
- enabling owner-builders to apply for exemption;
- extending claims to include roof leaks;
- making further provision for the use of money in the funds contemplated in the Act;
- extending the offences created under the Act; and
- amending provisions pertaining to the granting of exemptions and the lodging of appeals.

There are a number of onerous provisions, most bearing cost implications for the home builder; to facilitate the inspection of a home or the rectification of defects detected during an inspection and to ensure that home builders comply with their obligations in terms of the Act before a home will be enrolled with the NHBRC.⁵⁴

9.7 Code of Conduct for Home Builders

The NHBRC has drawn up the Code of Conduct for Home Builders in terms of Section 7 of the Housing Consumer Protection Measures Act, No. 95 of 1998. It is intended to provide minimum standards to protect consumers against unscrupulous builders, contractors and developers. The Code, which came into effect on 16 March 2007, makes provision for the warrant against poor workmanship resulting in structural defects and covers main areas of building contracts where consumers are most vulnerable. All role players in the residential property industry, including builders, property professionals, financial institutions, purchasers and conveyancers need to familiarise themselves with the new Code. Developers, contractors, prospective homeowners, and all newly built residential dwellings have to be enrolled with the NHBRC, regardless of funding (cash or mortgage bond). A financial institution may not approve a home loan if the aforementioned are not in place.⁵⁵ Some significant provisions that offer more protection to end users include:⁵⁶

- home building contracts may now only be concluded once the housing consumer has had 30 calendar days to view the contract. This may have far reaching consequences for the developer/agent as it could hold up sales;
- restrictions on clauses in contracts, which have the effect of taking away consumers' common law or statutory rights;
- restricting deposits to no more than 10% of the contract price of a fixed-cost building contract;
- minimum clauses that must be included in a building contract and an obligation that a home builder must retain a copy of the contract and all records relating thereto for at least six years; and
- a home builder may not accept final payment under a building contract unless the bank, NHBRC or competent person has certified in writing that the work has been completed according to the NHBRC's prescribed minimum standards and guidelines.

On 5 April 2007 the *Government Gazette* published a draft of the new NHBRC grading system, which makes provision for the establishment of grading categories in order to encourage good building practices. Changes to the grading system will be made as the need arises. The grading system will be used to determine the fees the builder or developer will be charged by the NHBRC. The performance score will be calculated in accordance with the new formula, which can be obtained from the *Government Gazette* (Vol. 502, number 29747). The grading system will be categorised as follows:

- responsiveness to housing consumers' complaints;
- timely enrolments of homes;
- compliance with the NHBRC technical requirements; and
- high quality in building homes.

Failure by home builders to comply with the NHBRC Code of Conduct could result in serious consequences. The NHBRC is entitled to withdraw the registration of a home builder found guilty of contravening the Code. According to Wamback:⁵⁷

“ ... the Code is comprehensive and in seeking to address a vast number of issues, contains many quite onerous provisions for the home builder to comply with. In an industry which historically has a poor reputation for protecting consumers, particularly in the lower end of the market, it is anticipated that it will take some time before the industry is able to properly embrace the good intentions behind the Code”.

10. National development finance institutions for housing

10.1 National Housing Finance Corporation⁵⁸

In 1996, the Department of Housing set up the National Housing Finance Corporation (NHFC) to ensure access to finance for the working poor to acquire and/or improve a home of their own. It is South Africa's only source of home finance funds for households earning between R1,500 and R7,500. Since then, the NHFC has developed and tested mechanisms to mobilise and broaden access to housing finance for the

'unbankable' majority. As a development finance institution, the NHFC acts as a wholesale funder and risk-manager, facilitating access to housing finance for low- and moderate-income communities.

The NHFC confirms that partnerships between the public and private sectors are vital in the struggle to meet the housing demand. They also endorse partnerships at both wholesale and retail level that provide innovative housing finance product options and deliver affordable solutions, which will contribute to the creation of a robust low-income housing finance market.

The NHFC does not supply funding directly to homeowners, but operates through a national network of social housing institutions and approved retail finance intermediaries. It also offers support to emerging lenders and housing institutions and facilitates training programmes aimed at ensuring capacity building, sustainability, improved governance and management, and support for its intermediaries. It provides a 'home seekers' information service, which assists people to find an appropriate finance option and NHFC-approved lender. The NHFC wholesale funding is channelled through three funding programmes that enable rental, home ownership, improvements and/or extensions to property:

1. *Alternative tenure* - This provides housing finance opportunities to institutions through a Project Loan facility for forms of tenure other than direct ownership, such as installment sale, rental, co-operatives, and rent-to-buy. In association with social housing institutions and approved financial institutions, the Alternative Tenure division enables the large-scale development of housing units in urban and peri-urban areas to be used as rental stock or to be sold on installment sale.
2. *Home Ownership* - Home Ownership enables ownership of affordable homes. To promote, fund or support home ownership initiatives in the low and medium-income sectors, this division works through privately owned and managed intermediaries and partner banking institutions to develop various forms of home ownership financing. Potential homeowners can buy existing houses or build new ones. Collateral for funding is provided by pension fund guarantees, mortgage bonds and insurance cover.
3. *Incremental Housing* - This offers finance to people wanting to build their homes on an incremental basis by extending or improving existing property. This programme provides structure loans to smaller lenders that target the low end of the low- to moderate-income housing market and provide funding for improving houses, buying land or providing top-up credit for discount benefit or capital subsidy beneficiaries.

10.2 National Urban Reconstruction and Housing Agency

Similar to the NHFC, the National Urban Reconstruction and Housing Agency (NURCHA) was created as a development finance institution and formed through a partnership between the South African Government and the Open Society Institute of New York in May 1995. The agency provides finance for low-income housing through partnerships with role-players in the low- and middle-income markets in order to promote social and economic development. Currently its main activities include:⁵⁹

- facilitating bridging finance for contractors through guarantee products;
- identifying approaches to releasing credit for low-income housing;
- facilitating savings programmes for subsidised and credit-linked housing; and
- managing specialist bridging finance funds and guarantee programmes such as the Joint Venture Development Fund, the OPIC Fund and the recently established Gauteng Partnership Fund and Gauteng Rental Guarantee Fund that guarantee a portion of loans granted to Rental Finance Institutions providing funds for rental housing in Gauteng.

10.3 Trust for Urban Housing Finance

The Trust for Urban Housing Finance (TUHF) has been operating in Gauteng since 2003 after a decision to restructure the Inner City Housing Upgrading Trust (ICHUT) into a development finance institution and to expand its area of operation nationally. TUHF provides wholesale finance for the purchase and upgrading of inner-city accommodation, as well as initial operating costs of rental housing institutions and social housing institutions.⁶⁰

11. National facilitative institutions for housing

The key objectives of these institutions are to undertake specialist functions to support and encourage housing developments that are not undertaken by the State or private bodies.

11.1 Social Housing Foundation

The Social Housing Foundation (SHF) is a Section 21 Company established by the NHFC in 1997 and operating according to the Housing Amendment Act of 1999. The Foundation works closely with the Department of Housing and others to access international donor funding and technical expertise to support social housing projects. It also undertakes research relevant to social housing and rental housing. The Foundation has been statutorily recognised and mandated to promote co-operative housing and help establish institutions to hold and manage housing stock on a sustainable basis. Its mandate is specifically to:

- promote social housing as an alternative form of tenure in South Africa;
- mobilise resources for social housing development;
- provide capacity building and technical support services to emerging and existing social housing institutions;
- facilitate stakeholder alignment and development of policies for the sector; and
- achieve and maintain business service excellence.

The Foundation offers support programmes to emerging and existing housing associations and to housing co-operatives. A range of training and development programmes forms part of its products and services, including modules on professional skills, governance and management for social housing organisations, caretakers and tenants.

11.2 Thubelisha Homes

Thubelisha Homes⁶¹ was established as a Section 21 Company by government and SERVCON to procure or develop accommodation appropriate for SERVCON's payment normalisation programme. It currently functions as a housing support institution to the National Department of Housing. According to BNG, Thubelisha's mandate is:

- to undertake construction of affordable housing and related services;
- to provide project management services; and
- to manage rental housing stock.

Thubelisha is to undertake the following programmes:

- fast tracking housing solutions using the emergency housing circumstances programme for people living in areas of stress;
- unblocking projects through delivery-enhancing interventions;
- upgrading of informal settlements; and
- integrated development.

A portion of its projects are set aside for women contractors and preference is given to women service providers with the financial and technical capacity to deliver housing. Thubelisha and Women for Housing have initiated a partnership to support a Contractor Development Programme. Thubelisha was appointed as the project manager and implementing agent on the controversial N2 Gateway (Phase 1) project in Cape Town.

12. Housing subsidies

12.1 National Housing Code, 2000

The National Housing Code describes the country's housing policy and strategy and its legislative and institutional framework⁶² and attempts to organise the vast range of housing policy documentation into one comprehensive document to ensure a common vision for housing in South Africa. The Housing Code is

not a substitute for key housing legislation but provides an overview of existing policy. It changes according to changes in the National Housing Policy.⁶³

The Code states eight broad principles for housing sector activity, as contained in the Housing Act (1997), the Housing White Paper, and the Development Facilitation Act (1995). These are:

1. People centred development and partnerships.
2. Skills transfer and economic empowerment.
3. Fairness and equity.
4. Choice.
5. Quality and affordability.
6. Innovation.
7. Transparency, accountability and monitoring.
8. Sustainability and fiscal affordability.

The Housing Code governs the operation of the various housing subsidy programmes.

12.2 National Housing Subsidy Scheme

The National Housing Subsidy Scheme is the primary housing delivery measure of government that provides once-off lump sum subsidy grants to people who are unable to meet their own housing needs, in order to enhance the ability of low-income households to afford minimum standard accommodation. The subsidy amount increases in bands with decreasing household income levels and is adjusted annually.

Information released on 21 February 2007 shows that the national housing budget was set to increase from R7.3 billion for 2006/2007 (adjusted appropriation) to R8.9 billion for 2007/2008. Within this amount the funding for housing subsidies increased from R6.8 billion to R8.2 billion. In both cases this represents a 15% real increase. However this increase is relatively minor given the scale of the problem. In the housing vote chapter in the Estimates of National Expenditure, the Department of Housing admitted that the housing backlog has stayed at more or less 2.4 million units since 2001. The latest annual subsidised housing delivery figures (138,000 in 2005/2006 and 159,000 in 2006/2007) are probably less than the annual growth in the backlog, and a 15% increase in this level of delivery will not have a significant impact on addressing the housing problem.

To eliminate the housing backlog within 10 years and ensure the provision of adequate housing for all, a 200% increase in the housing budget (over a number of years), together with the elimination of bureaucratic blockages to delivery, and an increase in the quality of subsidised housing and new human settlements, will be needed. The National Housing Goal (as set out in the Housing Act, 1997) was to increase housing expenditure to 5% of total government expenditure and to achieve a level of delivery of at least 350 000 subsidised housing units per year. In reality the housing budget for 2007/2008 will only be 1.7% of total government expenditure, with the level of delivery probably less than half of what is ideally required.⁶⁴ Even so, the housing subsidy scheme is intended to help households access housing with secure tenure, at a cost that they can afford, and of a standard that satisfies the minimum health and safety requirements. According to the current subsidy guidelines the house must as a minimum include:⁶⁵

- two bedrooms;
- one separate bathroom with a shower, hand basin and a toilet;
- one combined kitchen living area; and
- a ready board electricity installation.

A beneficiary may only receive the subsidy once, except where the scheme allows for deviations from this provision, for instance in the case of the institutional subsidy. Persons will only qualify for housing subsidies where they acquire the secure right to occupy, use or own a property in terms of a tenure form that can be registered with a competent authority. Generally, subsidies will be made available only to beneficiaries who acquire registered title to a property either in the form of ownership, leasehold, 99-year leasehold, or deed of grant. Institutions that access institutional subsidies must either own the immovable property or hold registered long-term rights to ensure security of tenure for beneficiaries. Subsidy assistance is provided through three subsidy programmes:

1. *The National Housing Subsidy Scheme* provides capital subsidies to eligible low-income households or institutions providing such housing.
2. *The Discount Benefit Scheme* (later called the *Enhanced Extended Discount Benefit Scheme*) for current occupants of state-subsidised rental housing developed before 1994 to purchase and take transfer of such housing units at discounted prices.
3. *The Public Sector Hostels Redevelopment Programme*, which subsidised the redevelopment of public sector hostels to accommodate families, was replaced by the *Community Residential Unit Programme* approved by Housing MINMEC (with effect 1 December 2006; although the programme was not operational by this date).

To qualify for a housing subsidy, an applicant must comply with the following criteria:⁶⁶

- Be married (in terms of the Civil Law or in terms of a Customary Union) or habitually cohabit with any other person, or have proven financial dependents.
- Be a lawful resident of South Africa (or be in possession of a permanent resident permit).
- Be legally competent to contract (i.e. over 18 years of age or married or divorced and of sound mind).
- Have a gross monthly household income not exceeding R3,500 (combined income of head of household and spouse or partner).
- Not yet have benefited from government funding in the form of a housing subsidy scheme, or any other state funded or assisted housing subsidy scheme (with the exception of the consolidation subsidy, and relocation grant).
- Be a first time property owner (except in the case of a consolidation subsidy, and relocation assistance). This criterion does not apply to disabled persons.

The housing subsidy scheme consists of the following subsidy programmes and grant mechanisms:

Project-linked subsidy

- Offered on a stepped scale, linked to household income.
- Project funding for the acquisition of land, and provision of infrastructure and housing.
- Allocated to approved project applications submitted by public, private and community based housing developers.

Individual subsidy

- Offered on a stepped scale, linked to household income to purchase a housing unit, or to purchase a plot and build a house.
- Can be linked to housing credit.

Consolidation subsidy

- Allocated to households who accessed certain types of subsidised housing before 1994.
- Provides a top-up amount to beneficiaries who own serviced sites to provide or upgrade a dwelling on the site.
- Only available where a household's combined income is less than R1,500 per month.

Institutional subsidy

- Allocated to housing institutions that provide affordable housing (rental or co-operative).

Rural subsidy

- For households who do not have legally specified secure tenure but functional secure tenure (such as tribal and communal tenure systems, in both rural and urban areas).

The People's Housing Process (PHP)

- Provides an alternative route for accessing project-linked, consolidation, institutional and rural subsidies, for beneficiaries wishing to build or organise the building of their homes themselves.

Finance-linked individual subsidy

- Intended to assist beneficiaries to acquire ownership of existing improved residential property or vacant serviced residential stands which are linked to house buildings contracts with registered home buildings.
- Caters for applicants who can afford loan finance, linked to a subsidy.
- Households falling within the R3,501 to R7,000 combined monthly income category may participate.

Relocation assistance subsidy

- Relocation assistance is offered to borrowers who conclude right sizing agreements with participating financial institutions, to enable such borrowers to relocate to more affordable housing.

Community Residential Units Programme

- This programme replaces the National Hostel Re-development Programme and the proposed Affordable Rental Housing Programme. The objective of the CRU Programme is to assist households with combined incomes below R3,500 per month, who cannot be accommodated in the formal private rental and social housing market. The Programme seeks to bridge the divide between social housing and lower markets. The Programme is complementary to, and runs parallel to the National Social Housing Programme, but serves a different target market. The Programme should also be seen as an option in Phase 4 of the Informal Settlement Upgrading Programme and as a long-term option in cases where Emergency Housing has been provided by government.⁶⁷

Emergency Housing Programme

- Allows for assistance to people who, for reasons beyond their control, find themselves in an emergency housing situation: their existing shelter has been destroyed or damaged, their prevailing situation poses an immediate threat to their life, health and safety, or they have been evicted, or face the threat of imminent eviction.
- Assistance consists of funds in the form of grants to municipalities to give effect to accelerated land development, provision of basic municipal engineering services and shelter (not formal housing).

Informal Settlement Upgrading Programme

- Subsidies under this programme are neither calculated as a standardised amount per household, nor to be drawn down on the basis of individual households' housing subsidy eligibility. Instead, grant funding for land, infrastructure and community facilities is applied to the community as a whole (with the exception of a separate subsidy for improving top-structures or houses), thereby including those who did not qualify previously for subsidies under the national housing subsidy programme; and
- Involves formalising tenure arrangements, providing municipal engineering services (including roads, water, electricity, and sanitation), providing social amenities and community facilities (including health, education and recreation facilities), and upgrading houses.

Fast Tracking Programme

- Transitional housing/communal housing offers well managed rental accommodation in the form of rooms with shared communal facilities to very low income earners (monthly incomes below R1,500).⁶⁸

Subsidy amounts can be increased to provide for extra-ordinary developmental circumstances and special housing needs. Subsidy variations include the following:

- geophysical variation: where development costs are especially high because of locational, geo-technical and topographical conditions, a variation of up to 15% of the subsidy amount is payable;
- an additional amount of R1,004 is also available for the Southern Cape Coastal Condensation Area, which allows for the extra cost of ceilings, external plastering and galvanised steel to deal with damp; and

- disability variation: where the subsidy is awarded to a disabled beneficiary, or where a member of that beneficiary's household is disabled, or where a beneficiary or his or her dependent becomes disabled, a variation to the subsidy amount may be applied.

In 1994, housing policy and delivery were concentrated on individual ownership and the setting up of systems to provide financial support for households earning in the higher subsidy band (R2,500–R3,500). Housing intended for ownership was financed through individual subsidies, project-linked subsidies and the People's Housing Process. By 1999, government changed its focus to alternative tenure arrangements, the needs of the poorest and the construction of better quality housing. A new emphasis was placed on rental tenure with institutional subsidies being geared towards financing social housing, single room occupancy, transitional housing and the renovation of hostels.⁶⁹ More recent progress in the delivery of state subsidised housing includes the Upgrade of Informal Settlement Programme, the Emergency Housing Programme, and capital grants to social housing projects located in selected 'restructuring zones'.

Table 56: The South African Housing Subsidy Scheme subsidy quantum amounts for the period 1 April 2007 to 31 March 2008 in respect of a 40m² house only⁷⁰

Individual and Project Linked Subsidies as per household income	Top Structure Funding (R)	Own Contribution (R)	Product Price (R)
R0 - R1,500	38,984	None	38,984
R1,501 - R3,500	36,505	2,479	38,984
Indigent: Aged, Disabled and Health Stricken R0 - R3,500	38,984	None	38,984
Institutional Subsidies			
R0 - R3,500	36,505	Institution must add capital	At least 38,984
Consolidation Subsidies			
R0 - R1,500	38,984	None	46,484*
R1,501 - R3,500	36,505	2,479	46,484*
Indigent: Aged, Disabled and Health Stricken R0 - R3,500	38,984	None	46,484*
Rural Subsidies			
R0 - R3,500	38,984	None	38,984
People's Housing Process			
R0 - R3,500	38,984	None	38,984

* Product Price = R38,984 PLUS serviced stand previously acquired at R7,500 = R46,484

Municipal engineering services are to be funded from other Government resources but as a last resort option may also be funded from the annual housing funding allocations to Provinces

Medium-density individual ownership housing (excluding typologies such as four-storey walk-up flats) predominantly uses the project-linked subsidy and the individual subsidy, while the institutional subsidy is used by social housing institutions. The case studies used the following subsidies:

• Missionvale (Nelson Mandela Metro)	– Individual subsidy
• Samora Machel (Cape Town)	– Project-linked subsidy
• Sakhasonke (Nelson Mandela Metro)	– Project-linked subsidy
• Carr Gardens (Johannesburg)	– Institutional subsidy
• Newtown Housing Co-operative (Johannesburg)	– Institutional subsidy
• Stock Road (Cape Town)	– Institutional subsidy
• N2 Gateway–Joe Slovo (Phase 1) (Cape Town)	– Institutional subsidy
• Springfield Terrace (Cape Town)	– Various, developed before 1994

The individual, project-linked, and institutional subsidies are set out in the Housing Code:

Individual and project-linked subsidies

Project-linked and individual subsidies make it possible for beneficiaries to acquire ownership of a housing unit for the first time. They cover the cost of the land, internal infrastructure and the unit (top-structure). Eighty per cent of subsidies approved from 1994–1999 were project-linked subsidies, of which more than 90% were allocated to households earning R1,500 per month.⁷¹

The **project-linked subsidy** provides for the allocation of housing subsidy funding to developers to undertake approved housing development projects and then to sell the residential properties to qualifying beneficiaries. A developer initiates, manages and implements housing projects and can be an organisation in the private sector, a public sector institution, an NGO or CBO. Developers may consist of joint ventures between role players. The Provincial Housing Development Board (PHDB) must ascertain whether a developer is financially, technically and managerially capable of implementing and successfully concluding the project.

The developer must ensure that projects are located on land that offers access to employment and existing economic opportunities, adequate transportation facilities, adequate existing bulk and/or connector services, education and health care facilities and that the land is acceptable to the beneficiary community. Central to the responsibilities of the developers is the promotion of economic efficiency and the spatial integration of towns and cities. They should ensure that the community benefits socially and economically through local initiatives and participation in the planning and implementation of social and physical development activities.

The general rules apply for eligibility, the value of the subsidy, what it can buy, and the variations in terms of geo-technical conditions or for households with a disabled member. The total subsidy amount will be determined by the PHDB when it approves the project. It will determine the number of residential properties in the project, as well as the number that will be sold to beneficiaries in each of the three subsidy bands, based on a socio-economic profile of the beneficiary community. The total amount of the project-linked subsidies will be paid to the developer in progress payments.

The **individual subsidy** mechanism has been available since June 1995 but has generally been discontinued due to a range of problems, such as corruption with non-credit linked subsidies and a lack of availability of mortgage credit for subsidy beneficiaries.⁷²

Households apply individually for the subsidy when they want to buy an existing house or a residential property with or without a completed top structure. Two types of individual subsidies apply:

1. *Credit-Linked Subsidies*: applicants who can afford loan finance may apply for a subsidy that is linked to credit from a financial institution. Under this scheme there are two options available, a deposit route or a savings route.
2. *Non-Credit Linked Subsidies*: applicants who cannot afford loan finance may apply for a subsidy to acquire the residential property entirely out of the subsidy and may supplement this with other funds that may be available.

Institutional subsidies

These are used for projects implemented by housing institutions where the tenure forms are rental, rent-to-own, installment sale, share block or co-operative ownership. It is the only subsidy that can be used for tenure other than individual ownership, and was the only subsidy that could be used for building or converting blocks of flats prior to the recently introduced Community Residential Unit Programme.

An institution is provided with a R36,505⁷³ subsidy for each qualifying beneficiary whose household resides in the institution's stock and who does not earn more than R3,500 per month. Rental may be converted to ownership after at least four years, during which period the institution owns the unit. In the case of a beneficiary taking transfer after four years, his or her institutional subsidy is administratively classified as an individual subsidy in the name of the beneficiary.

Because of contributions to operational costs of the social housing institution, monthly costs for institutional housing are usually higher than for individual ownership. These costs, including water and electricity but excluding loan repayments, are estimated to be at least R500 according to the Social Housing Policy. The housing institution is responsible for collecting rents or levies. The institutions usually take the form of a housing association or housing co-operative, which manages and owns the housing. The subsidy amount is usually not sufficient for the provision of the housing unit, and the additional amount is recovered through a monthly payment by beneficiaries and a loan by the housing institution.

The Social Housing Policy (June 2005) envisages an additional social housing capital grant to be provided to approved projects in designated zones earmarked for restructuring. Some of the objectives of the capital grant include:⁷⁴

- to allow social housing development in areas where the land market would otherwise prohibit it;
- to achieve substantial down-market reach and mixed-rent projects; and
- to ensure the delivery of viable projects and thereby promote the development of viable institutions.

Accredited social housing institutions must implement these projects or, if implemented by the private sector, they must be accredited social housing projects. To qualify for the capital grant on every unit, a project must have at least 30% (with a maximum of 70%) of units contributing to the deep down-market reach. The capital grant will increase linearly as the proportion of units with deep down-market rentals increases from a minimum of 30% to a maximum of 70%. The policy states that the actual subsidies for deep down-market units are on average R90,000 per unit when 30% of the units are deep down-market, and R108,000 per unit when 70% fall into the deep down-market category. It is important to note that the deep down-market refers to rents falling below the lowest possible rental, which is operating cost per unit assumed to be R500 per month and implying an income of R1,500 per month as set out in the Social Housing Policy.

However, according to calculations by the Support Programme for Social Housing in April 2006, a minimum household monthly income of R2,400 is required to pay for rents and services. This means that social housing (excepting transitional, special needs and communal housing, of which limited stock is produced), effectively excludes the provision of affordable (rental) housing for the very poor. Therefore, in the South African context, the term 'social' housing is 'social' insofar as it uses government subsidies for households earning between R2,500 and R7,500, but is not 'social' in terms of housing intended for the very poor. The question is: how are these households accommodated?

According to the policy, the approach envisages the retention of the existing institutional housing subsidy mechanism to cater for social housing projects that do not fall within the identified restructuring zones, and which will most probably be referred to as 'institutional housing'.

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Annexure 2

GLOSSARY

A

- **Access:** The rights and means different people have to reach activities, people, resources, opportunities and/or information with limited effort and cost
- **Activity corridor (corridor):** A band of high-density urban development which is concentrated along a public transportation route or activity spine, and where residential, commercial, industrial and recreational activities occur in close proximity. The width of the activity corridor is determined by walking distance (800 metres to one kilometre) from the activity spine
- **Activity spine:** The central road of an activity corridor along with the land uses and high-density development immediately adjacent to the central road. Activity spines should be major routes connected to one or more metropolitan-scale urban nodes, and should be as direct and straight as possible
- **Activity street:** A local road which allows for a high degree of accessibility along its length. It is of smaller scale than an activity spine and does not need to connect major urban nodes. Activity streets should reinforce the larger nodes and corridors
- **Activity/urban node (node):** Different-sized concentrations of economic, commercial, industrial and/or residential development located at points of high accessibility, such as at modal interchanges
- **Actual Floor Area:** A term used in relation to a building to denote the total floor area of the building, including the floor area covered by the walls of the building
- **Adequate housing:** Adequate housing includes more than just shelter. It is measured by factors such as security of tenure; freedom from discrimination in housing; the availability of services, materials, facilities, amenities and infrastructure; habitability of the dwelling; accessibility of the location; and the affordability and cultural adequacy of both dwelling and location. Adequate housing facilitates healthy, safe, secure, accessible, affordable and dignified living with access to facilities and amenities
- **Advocacy:** Purposeful persuasion to achieve desired decisions/outcomes related to a particular cause or interest. Advocacy groups can challenge and reduce systematic discrimination of minority groups by working with these groups to offer new perspectives to governments on their policies
- **Affordability:** Matching the tenure type, socio-economic profile and needs of target households with the housing product and overall settlement environment. When applied to housing, affordability generally refers to the ability to purchase goods or a service on a sustained basis (including consideration of both the initial capital costs and the cost of ongoing maintenance and operation) without compromising other demands on financial resources. It also refers to the ability of the public sector and institutions responsible for the management of housing developments to provide facilities and maintenance of services on an on-going basis within their budgetary limitations
- **Amortising loans:** A loan where the principal value of the loan is paid down over the life of the loan
- **A-spatial:** Non-physical processes such as the economic, social, institutional and political forces that determine the spatial (physical) end-product of the built environment

B

- **Beneficiary:** In this resource book 'beneficiary' refers to an individual who qualifies for a housing subsidy or in whose name a subsidy has already been allocated
- **Best practice:** A technique, approach or methodology that, through experience and research, has been proven to reliably lead to a desired or optimum result
- **Bill of Rights:** Part of the South African Constitution and a cornerstone of the country's democracy that enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom. The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of State
- **Breaking New Ground (BNG):** A framework adopted in September 2004 by the South African National Department of Housing to underpin housing policy and practice. It sets out 'a comprehensive

plan for the development of sustainable human settlements', promoting the development of integrated, functional and environmentally sustainable human settlements, and departs from the South African government's former policy intention to deliver freestanding subsidised low-density housing at scale regardless of the urban quality of the settlements

- **Body corporate:** In a sectional title scheme, the body corporate (consisting of all owners) controls, manages and administers the sectional title scheme. Trustees are elected by the owners and as the office bearers of the body corporate, they operate as managers subject to the Sectional Title Act, the rules and any restriction imposed and/or any direction given by the owners
- **Building density:** The number of dwelling units per area (usually expressed in terms of hectares and measured in floor area ratio) which is determined by the space between buildings, building width, building configuration and building height
- **Bulk services:** All major services (such as water, electricity, roads) which are the responsibility of national and provincial government, and from which link and local services are obtained

C

- **Cadastre:** A public record, survey, or map of the value, extent, and ownership of land as a basis of taxation
- **CBO:** Community Based Organisation
- **Census (population census):** The process of counting the number of people, at a given point in time in a country, and collecting information about their demographic, social and economic characteristics. After data collection, the process includes the processing, analysis and dissemination of the information collected
- **Citizen:** Someone who, under the laws and practices of a particular State, is seen as a member of the State and has particular rights and duties. These may or may not include the right to participate in the decision-making of the State
- **Citizenship:** A concept describing an individual and his or her relationship to the State. The meaning of citizenship in a democracy is associated more specifically with the right to participate in governance
- **Collective leadership:** A process whereby leadership is not provided by one person alone but by a group of people, for example, a democratically elected committee
- **Commercial development or commercial use:** In this resource book, it includes, but is not limited to, any development consisting of wholesale, office and retail facilities, as well as light industry and manufacturing. This does not include residential development
- **Communal areas:** In this resource book, it refers to areas such as indoor and outdoor public spaces of a medium-density housing environment used by a more or less fixed and identifiable group of people (residents) according to unspoken and explicit rules of that group
- **Communal ownership:** Can take a variety of forms, but in all cases, the property is jointly owned. Members/ shareholders have rights to occupy specific units based on their membership or because they are shareholders of the institution, as defined in a Use Agreement. Members/shareholders may be able to sell their rights, but there may be restrictions about to whom the rights may be sold. From a legal perspective there is a difference between common property and communal property based on a very subtle difference in who owns the property and what the ownership means. Common property means property that is undivided between co-owners. Communal property means property in which the joint owners are a community, and the property is equally owned by all the members of that community. Forms of communal ownership include housing cooperatives and Communal Property Associations
- **Communal Property Associations (CPA):** A legal entity set up to own and manage immovable property in common on behalf of communities in terms of a written constitution. A CPA can take a variety of institutional forms, for example a Section 21 company, trust or voluntary association
- **Community participation:** The inclusion of community members in governmental and developmental decision-making strategies, processes and projects, as guaranteed in the South African Constitution
- **Community Residential Unit Programme (CRU):** A programme aiming to facilitate the provision of secure, stable rental tenure for lower income persons which targets households earning

below R3500 per month who are unable to be accommodated in the formal private rental and social housing market. It replaces the 'National Hostel Re-development programme' and the previously proposed 'Affordable Rental Housing programme'

- **Community:** A group of people living together in one area, building or place considered collectively
- **Compaction or compact settlement:** Consolidating and improving the use of space within the urban area through a process of increasing its intensity of use and density. Restricting the outward expansion of urban areas, thus forcing new development inward. The 'compact city model' encourages urban densification and intensification, mixed-use development, public transportation, containment of urban growth and attention to urban design
- **Containment:** The act of restricting the outward expansion of urban areas, thus forcing new development inward
- **Co-operative housing:** See Housing co-operatives
- **Corridor:** See Activity corridor
- **Coverage:** The percentage of erf/plot area that can be built upon
- **Cross-subsidisation:** Where one group pays a relatively high price and thus enables another group to pay a relatively low price. In housing it could relate to a scenario in which a percentage of the price of houses of wealthier people pays for some of the costs of housing provided for lower income households
- **Crowding:** The degree to which the number of people in an area exceeds an accepted level of occupancy (living or working in a room, dwelling, neighbourhood, or on a plot). 'Accepted' is a relative concept depending on cultural and socio-economic circumstances

D

- **Democracy:** An ideology, political order or type of government where all adult citizens vote for a party of their choice and where the party with the most votes forms the government. Democratic practice is more effective when expanded to influence governance throughout an electoral term thus enabling citizens to influence the many levels of decision making within government. More generally, democracy implies control of a group by the majority of its members
- **Densification:** In this resource book, promoting higher residential densities in existing built areas
- **Density (residential density):** The number of persons per unit area in residential areas. The perception of density is fluid and depends on one's background, culture and the nature of the built-up area
- **DAG:** Development Action Group, a leading non-profit organisation working throughout South Africa to promote integrated urban environments by supporting communities in need of adequate housing and influencing State policy and practice through partnerships, research, training and lobbying
- **Development:** A process of improving the specific conditions of a person or within a community or society. Development impacts quality of life through for example the acquisition of skill, knowledge or perspective, improvements to self-esteem, changes in physical conditions through access to infrastructure such as sanitation or community facilities such as schools and hospitals. Development can follow different approaches which produce different results, intended and unintended. Development is enhanced when it is sustainable and integrated. See Integrated Development and Sustainable Development
- **Developmental local government:** A local government committed to work with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. It should target especially those members and groups within communities that are most often marginalised or excluded, such as women, disabled people and poor people
- **Dormitory suburbs:** The single-use or mono-functional suburbs/townships surrounding towns and cities. In effect, the only functions permitted, or in existence, in dormitory suburbs are housing related
- **Dwelling:** Any structure intended or used for human habitation
- **Dwelling unit:** A housing unit, building or place of shelter. It can take a variety of forms such as freestanding, attached, and semi-detached housing or a flat
- **Dwellings/ha (du/ha):** Refers to the number of dwelling units per hectare of land

E

- **Eco-density:** High quality densification as a way to reduce the city's ecological footprint
- **Ecology:** The scientific study of the relationship between living things (animals, plants and humans) and their environment
- **Ecological footprint:** A resource management tool that measures how much land and water area a human population requires to produce the resources it consumes and to absorb its wastes under prevailing technology
- **Ecological sustainability:** Ecological sustainability is achieved when the impact of urban production and consumption on the city-region is minimal and the global carrying capacity is balanced
- **Economic development:** The term economic development implies much more than economic growth. It typically refers to improvements in a variety of indicators such as literacy rates, life expectancy, and poverty rates. Economic development is typically measured in terms of jobs and income, but it also includes improvements in human development, education, health, choice, and environmental sustainability
- **Economic sustainability:** Economic sustainability is achieved when the economy is able to sustain itself without draining the financial resources of the State. In housing the long-term financial viability for both the State and the end-user (home-owner or tenant) is considered when determining economic sustainability
- **Economies of scale:** A proportionate saving in costs gained by an increased level of production
- **Efficiency:** The most economical and viable means of achieving a desired result. An efficient planning system is one which makes the best use of available resources by ensuring co-ordination, resolving conflicts and promoting convenience
- **Energy efficiency:** The way in which energy is utilised so that the social, environmental and economic aims of sustainable development are supported
- **Environment:** Our surroundings, including living and non-living elements, for example land, soil, plants, animals, air, water, buildings, highways and humans. The environment also refers to our social and economic surroundings, and our effect on our surroundings
- **Equity:** A situation where more advantaged groups do not benefit at the expense of less advantaged ones. In equitable settlements all inhabitants have reasonable access to the opportunities and facilities which support living there. Equity does not mean that everything is the same, but that everyone has access to a broadly similar range of opportunities, facilities, special places and events
- **Erf/erven:** The site, stand, yard, or plot described by cadastre on a map. Physically, it may be defined by any material marking the perimeter of the property such as a fence, hedge or brick wall
- **Exactions:** Conditions or financial obligations used to encourage developers to contribute to the social costs of development
- **Extended family household:** A household containing more than two generations or relationships other than the parent-child relationship

F

- **Facilitative Right:** A right that unlocks many other rights and the realisation of which is key to the enjoyment of other rights. Housing is a facilitative right
- **Finance-linked individual subsidy:** Introduced with the BNG plan. Consists of housing loans from accredited lenders for borrowers in the R3,501 to R7000 monthly income category, with the value of the subsidy depending on the borrowers monthly income
- **Financial capital:** Financial resources including regular remittances or pensions, savings, and supplies of credit
- **Floor Area Ratio (FAR) or Floor Space Index (FSI):** The ratio between the total floor area, including thickness of walls, and the total area of a plot (same as Floor Space Index). Determined by taking the total floor area of a building (including thickness of walls) and dividing it by the total site or plot area
- **Formal development:** Development which is in accordance with zoning and building regulations
- **Formal employment:** Where the employment contract (usually written contract) is subject to

regulation by the State, for example complying with labour legislation, sectoral wage agreements, deduction of income tax and the payment of unemployment insurance

- **Formal housing:** A structure that is built with materials and construction methods in line with by-laws, building regulations of the local authority and bureaus of standard, and on land which is zoned for housing
- **Freehold tenure (freehold title):** In this resource book, freehold title means title that confers ownership in land, which is recorded and registered in the central Deeds Registry of South Africa, having been formally surveyed by registered land surveyors and transferred by registered property conveyancers
- **Free-market approach:** An economic system in which prices are determined by unrestricted competition between privately owned businesses

G

- **Gap market:** In South Africa, the gap market refers to people earning between R3,500 and R7,000 per month, who, by virtue of their household income, do not qualify for the government housing subsidy but who are also not likely to secure home loans from commercial banks
- **Gender:** Socially constructed roles for males and females (as opposed to sex, which denotes the biological distinction between males and females). These roles, which are learnt, change over time and vary widely within and between cultures
- **Gini-coefficient:** A measure for gauging income inequality through a scale of 0 to 1, where 1 implies total inequality and 0 total equality in income distribution. South Africa has a Gini-coefficient of 0.72 and is ranked as one of the two most inequitable countries in the world
- **Good location:** Good location is a complex concept to define. A location is judged to be good when it provides easy access to economic, transport, social and urban opportunities and facilities. A 'bad' location can become good when it has access to safe, affordable, efficient and reliable public transport which connects to economic, social and urban opportunities and facilities
- **Governance:** In this resource book, governance refers to the processes through which governments exercise power and authority. 'Good governance' refers to governance that provides all members of society access to decision-making processes at all levels
- **Greenfield development:** The development of unserviced vacant sites
- **Greenhouse gas:** A gas, such as water vapour, carbon dioxide, methane, chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), that absorbs and re-emits infrared radiation, warming the earth's surface and contributing to climate change
- **Green house effect:** Process in which green house gases, like carbon dioxide in the earth's atmosphere, cause thermal radiation emitted by the earth's surface to be reflected back down, therefore causing the climate to warm. This natural process is enhanced by human's added pollutants
- **Gross area:** Total area including all land uses without any deduction

H

- **Hectare:** A unit of surface area equal to one hundred ares (10 000 square metres or 2.471 acres)
- **High-density housing:** Housing developments of approximately 100 or more dwelling units per hectare (gross) of land
- **Hostel redevelopment:** In terms of the Public Sector Hostels Redevelopment Programme, the conversion of public sector hostels to family units or single person accommodation
- **Household:** There are many different kinds of households and many definitions. In this resource book it refers to all persons, relatives and non-relatives who: (i) live permanently (four nights per week) in the house; (ii) eat together, and (iii) are dependent on a common or pooled income and/or assume joint responsibility for domestic and / or economic obligations
- **Household head:** The person recognised as such by the household, usually the main decision-maker, or the person who owns or rents the dwelling, or the person who is the main breadwinner. The head can be either male or female. If two people are equal decision-makers, or in a household of totally

unrelated persons, the older or oldest can be named as the household head

- **Housing Act, The:** An Act of Parliament and the supreme housing law in South Africa
- **Housing Code, The:** A document which clearly sets out the National Housing Policy of South Africa. The Code incorporates an extensive range of documents that form part of the law and policy making of South Africa and shows their relevance and influence on National Housing Policy in South Africa
- **Housing Co-operatives:** A housing co-operative is an association of people who collectively own and govern their housing on a not-for-profit basis. Co-operative principles accord closely with the principle of 'ubuntu'. All residents are members/shareholders (the 'shares' can be nominal amounts of money) and jointly own the property. Members elect a Board of Directors to manage the co-operative. Each household has one vote in the General Meetings to take major decisions about the co-operative
- **Housing instruments:** Different options for the provision of housing which are provided in housing policies to address different housing needs, for example rental housing, social housing, informal settlement upgrading, and others
- **Housing layout:** The organisation and utilisation of land for buildings, roads, cars, pedestrians, public and private open space and landscaping
- **Housing White Paper:** White Papers generally contain proposals and statements of Government Policy. The Housing White Paper was promulgated in December 1994 and sets out the framework for the National Housing Policy
- **Housing:** A broad term that includes houses, flats and other housing typologies, as well as infrastructure and can include the whole residential neighbourhood, including public spaces
- **Housing subsidy:** A housing subsidy is a grant by government to qualifying beneficiaries for housing purposes. The grant is not paid in cash to beneficiaries and is either paid to a seller of a house, or in new developments, the grant is used to construct a house that complies with specified technical and environmental norms and standards, which is then transferred to the qualifying beneficiary
- **Human capital:** Skills, knowledge, health, information and the ability to labour. Also referred to as 'capabilities'
- **Humanly scaled:** See Scale
- **Human rights:** Defined in the United Nations Universal Declaration of Human Rights as the basic rights and freedoms to which all humans are entitled including the right to life and liberty, freedom of expression and equality before the law, as well as the right to participate in culture, and the rights to food, work, adequate housing and education
- **Housing typology:** Typologies refer to the classification of building form, and is characterised by a kind or class of building form exhibiting the same or similar layouts - terraced housing, semi-detached housing and flats are examples of housing typologies

- **Implementing Agent:** The institution/body/structure/group given the mandate by government to take responsibility for the implementation of plans/strategies/decisions
- **Inclusionary housing (mixed-income housing):** Refers to housing developments which integrate a range of income groups either within the same building or the same development
- **Income inequality:** The extent of disparity between high income and low income households
- **Incremental housing:** A phased process through which adequate housing is provided or developed. People gain access to housing opportunities incrementally starting with the right of tenure which is likely to be accompanied with rudimentary service and later followed by basic services, and then eventually a house is constructed
- **Industrial development or industrial use:** A property not used for commercial or residential purposes but for the production, manufacturing or supply of goods, services, or sources of income, including related land use and activities
- **Infill:** The development of vacant or under-utilised land within existing built / urban areas, usually for well-located affordable housing
- **Informal dwelling:** A makeshift structure not approved by a local authority and not intended as a permanent dwelling. Typically built of found materials (corrugated iron, cardboard, plastic, etc.).

- Contrasted with formal and traditional dwellings
- **Informal employment:** Where the employment contract (usually a verbal contract) is not subject to regulation by the State, for example no deduction of income tax or payment of unemployment insurance
 - **Informal settlement / development:** Unplanned often unauthorised or illegal settlements usually created by the poor on land that has not been surveyed or proclaimed as residential, consisting mainly of informal dwellings for residential use or related economic or social activity. The settlements can be well-located or found on the periphery of a city and usually lack basic amenities
 - **Informal tenure:** Relationship between people and land/buildings not recognised by formal legal processes that recognise the rights of people occupying them
 - **Infrastructure:** Residential infrastructure includes roads, stormwater drainage, water supply, sanitation and electricity
 - **Installment sale:** Payment of the purchase price and market related interest through monthly installments over a minimum of four years
 - **Institutional subsidy:** A government subsidy specifically targeting institutions that provide housing products using tenure arrangements alternative to immediate ownership (such as rental, installment sale, shareblock or co-operative tenure). The mechanism provides a subsidy per beneficiary household, to the institution providing the housing for the beneficiaries
 - **Institutions:** Functioning social systems. An example is the way the rights and obligations of people who live in social housing may be governed by agreed and enforceable norms and rules
 - **Integrated:** The mixing or combining of all useful and relevant information and factors into a joint or unified whole
 - **Integrated Development Plan (IDP):** A plan drawn up by local and provincial authorities in terms of the Local Government Transitions Act in order to guide their expenditure and activities
 - **Integrated development:** A form of development which is holistic in addressing needs and where different actions support each other and set up positive relationships with each other. In an integrated development approach the development objectives and process is responsive to the needs of – and shaped through the direct participation of those who the development is intended to benefit.
 - **Integrated settlement:** A settlement which combines different groups based on income level and race, provides a variety of choices of housing types and tenures, as well as a range of economic and social and infrastructural opportunities and facilities
 - **Inter-governmental relations:** The interaction of different spheres and departments of government which are distinctive, interdependent and interrelated. The Intergovernmental Relations Act establishes and provides structures and institutions to promote and facilitate Intergovernmental Relations and provides for appropriate mechanisms and procedures to facilitate settlement of Intergovernmental disputes
 - **Isidima:** The Western Cape Sustainable Human Settlement Strategy

L

- **Land and property markets:** The buying and selling of land and property on the basis of demand and supply in a free-market system
- **Land banking:** A process in which government acquires land in advance which can be used for future housing projects and infrastructure developments
- **Land development and management:** The process of regulating land use changes and the development of land
- **Landlord:** Owner of leased or rented property
- **Land price freezing:** A mechanism in which government freezes the price of land in certain 'overheated' areas, particularly close to major public investments in order to control land prices
- **Landscape:** The patterns and structure of a specific geographic area or place, including its natural, physical, built and socio-economic environments
- **Land use:** The activities permitted by government on a defined piece of land such as residential, commercial, industrial or a mixture of these

- **Land value tax:** A tax on the value of land which excludes the value of the building or improvements on the land
- **Lease:** A contract where an owner of property conveys exclusive use of a property for specified payment over a specified time. Once the contract has expired, the property reverts to the owner
- **Livelihood activities:** The different things that people do to sustain a household and make a living, and may include productive, reproductive and community maintenance activities
- **Livelihood:** A means of living including capabilities, assets (both material and social) and activities
- **Livelihoods framework:** A way of understanding how households derive their livelihoods by drawing on their capabilities and assets to develop livelihood strategies composed of a range of activities
- **Lobbying:** Focused efforts by interest groups to influence decision-makers
- **Local Economic Development (LED):** The process in which local governments or community-based organisations manage their existing resources and enter into partnership arrangements with the private sector, or with each other to stimulate or maintain business activity and/or employment. The main goal of LED is to stimulate local employment opportunities in sectors that improve the community, using existing social, human, natural, and institutional resources
- **Low density housing:** Housing developments of approximately 40 or less dwelling units per hectare (gross) of land
- **Low income communities:** Communities where the majority of households have combined monthly incomes below R3,500 per month
- **Low income housing:** Housing for people whose combined monthly household incomes are below R3,500 per month
- **Low-rise medium-density housing:** Ground-related, medium-density environments. Can be achieved through housing typologies such as attached housing, cluster housing and two-, three- and four-storey walk-up buildings

M

- **Mantag:** Mantag certificates are a distinct type of Agreement certificate issued by Agreement South Africa in terms of the powers granted to it by the Minister of Public Works. It is based on acceptable safety and health criteria for single storey houses and related outbuildings where the local authority is of the opinion that the type of construction is appropriate, given that in these areas it is of paramount importance that buildings be erected at the lowest possible cost
- **Marginalised communities:** In this resource book, marginalised communities refer to groups of people that are excluded from meaningful participation in development, have inadequate access to social and economic facilities, often live in inadequate housing and are spatially separated. Typically, marginalised groups are deprived of exercising their basic socio-economic rights as enshrined in the South African Constitution and the Bill of Rights, for example the rights to land, housing, water, healthcare and education. Within marginalised communities, there may also be groups such as the disabled, illiterate, women, children and the elderly etc. who are vulnerable and further marginalised
- **Median:** The value that divides a data set in half, for example if the median income is R1,000 per month, half of the sample have income of less than R1,000 and half have incomes of more than R1,000. The median is a more reliable guide to what typical values are in a sample than the average, as it is not subject to distortion by very high or very low values
- **Medium-density housing:** Housing developments of approximately 40 to 100 dwelling units per hectare (gross) of land
- **Member of the Executive Committee (MEC):** A member of the Provincial legislature selected by the Premier to serve on the Provincial government's Executive Committee and to provide political leadership in a specific portfolio such as education, health, housing etc. The provincial equivalent of a national government Cabinet Minister
- **Metropolitan area/city:** In this resource book, an area of population usually with a central or core city and surrounding towns or suburbs which can be said to be still part of the economic or political sphere of the city
- **Migration:** Movement of households or individuals from one place of residence to another, either

- permanently or temporarily
- **Millennium Development Goals:** United Nations Millennium Development Goals were formulated by world leaders for 2015 and include the commitment to end poverty and hunger and have universal education, as well as goals for gender equality, child and maternal health, environmental sustainability and global partnership
- **Mixed-income:** Housing that integrates the low and high income groups in order to promote sustainable settlements and prevent low or middle income ghettos
- **Mixed-development or mixed-use:** Areas that display a combination of commercial, residential, social and business uses, with a range of house types and sizes, and a diversity of people
- **Modal / transport interchange:** Places where the change between modes of travel is easy, for example a bus/rail station or an airport with rail access
- **Monitoring and evaluation:** Monitoring is the systematic collection and analysis of information as a project progresses. Evaluation is the comparison of actual project impacts against the agreed strategic plans. Monitoring and evaluation are geared towards understanding and learning from what you are doing and how you are doing it, by focusing on efficiency, effectiveness and impact
- **Mono-functional:** Having only one function, for example many South African townships and suburbs only consist of housing with very few facilities, shops and employment opportunities
- **Mortgage loan:** A loan for purchasing fixed property in which the property is used as security (i.e. the lender has a claim to the property if the borrower defaults on the loan)
- **Multi-sectoral approach:** An approach involving a range of diverse actors representing different sectors and where responsibilities, resources, and expertise are shared. These actors may include any combination of national and local government, large and small business, non-governmental organisations and charities, and community members

N

- **N2 Gateway Project:** A South African government housing project to demonstrate the new sustainable human settlement vision articulated by BNG
- **National Poverty Line:** One of several poverty measurements that can be used to develop a better understanding of poverty. There is no exact definition of a poverty line, and approaches to its construction vary from one country to another. There are divergent views on what the 'minimum consumption bundle' should comprise. However, in South Africa an adult earning less than R431 per month (2006 prices) is considered to live below the national poverty line
- **Natural (environmental) capital:** The natural environment includes natural resources such as land, water, wildlife, biodiversity and environmental resources. Natural capital refers to access to such natural resources
- **Neo-liberal approach:** The philosophy that underpins and drives economic globalisation. At its core is a belief in the free market and minimum barriers to the flow of goods, services and capital. It is an extension of the traditional liberal philosophy, which argues for a separation of politics and economics and that markets should be 'free' from interference by government
- **Net area:** Area of land or building after deduction or certain uses, such as non-residential areas
- **Nodes:** See Activity/urban node
- **Non-Government Organisation (NGO):** Groups and bodies that do not form part of the government
- **Not-In-My-Back-Yard (NIMBY):** Objections to the establishment of projects/developments for the benefit of poor or for the common good in one's neighbourhood or area
- **Nuclear family household:** Households consisting of two parents and one or more children

O

- **Occupancy density:** Refers to the number of people per dwelling unit and is directly related to income, the cost of floor space, and the need for space in terms of family size. It is measured as floor space rate
- **Occupancy rate:** The ratio of occupants to the number of habitable rooms

- **Owner:** The owner, in relation to land, means the person in whose name that land is registered in a deeds registry, and may include the holder of a registered servitude right or lease, and any successor
- **Ownership:** Ownership, in terms of land, as reflected in the Deeds Registry, is the highest legally protected real right. The title deed provides a secure form of tenure because it is evidence of the boundaries of the land and shows details of the owner. The owner has the ability to use, control, transfer or otherwise enjoy the resources on that land as long as national or local law permits those activities. The owner may limit these rights by leasing the land or a particular resource on it, by agreeing to servitude, or by ceding land as collateral. Ownership may be legally taken away by expropriation or as settlement of a debt

P

- **Parastatal:** A fully or partially government-run or government-owned company or corporation such as Transnet or Eskom
- **Participatory approach:** An approach to development based upon the principles of democracy or social equality, including respect for the insights and perspectives of ordinary people, especially those who are to benefit from or be affected by the development. Using this approach in housing, communities are actively involved in the planning, development and upholding of their housing environments
- **Patriarchy:** A socially and culturally defined system of social organisation based on the principles of male authority and power. Within a patriarchal system the father is the head of the family, clan or tribe and power is held and transferred by men through inheritance and lineage in the male line.
- **People's Housing Process (PHP):** A housing delivery approach in which people build or manage the building of their own houses. The term is also used in a narrow sense to refer to projects which gain access to the grants available under the People's Housing Process delivery approach, but where people have not been involved in building or managing the building of their houses
- **Performance (of a city):** The performance of a city is determined by the extent to which it gives accessible benefits to all its people and provides a range of choices on a sustainable basis
- **Perceived density:** The level of density which people feel an area has. This is dependent on the individual and his/her background culture and on the nature of the built-up area
- **Periphery:** The edge, outer limits or outskirts of an urban area or city
- **Persons or inhabitants/ha:** The number of persons per hectare (either gross or net)
- **Physical capital:** Access to basic infrastructure including water, sanitation, energy, transport, communications, housing as well as the means and equipment of production
- **Physical sustainability:** The capacity and aptitude of the urban built environment and technological structures to support human life and productive activities
- **Planning:** The practice of making human settlements on the landscape and managing growth and change within those settlements. Planning is concerned with promoting equity and efficiency, protecting the public good, ensuring the good use of resources and protecting the environment
- **Plot coverage:** The proportion of total plot area occupied by buildings
- **Plot size:** The total erf area
- **Political sustainability:** The quality of governance systems and frameworks guiding the relationship and actions of different actors among the different dimensions of sustainability. This includes democratisation and the participation of civil society in all areas of decision-making
- **Population density:** The number of persons living in an area (measured as persons per hectare). Population density is a product of building density and occupation density. (Expressed as the number of people divided by the site area)
- **Poverty:** Poverty exists when a household's access to income is inadequate to meet their basic needs. The condition of poverty is caused by a combination of social, economic, infrastructural/spatial, environmental and political factors. When infrastructure is inadequate it prohibits full access to opportunities in society which worsens poverty.
- **Primary co-operative:** A co-operative formed by a minimum of five natural persons whose object is to provide employment or services to its members and to facilitate community development
- **Project cycle:** The life-cycle of a project from the initial idea through to its completion

- **Project-linked subsidy:** A government subsidy providing for the allocation of funding to developers per qualifying beneficiary household, in order to initiate, manage and implement approved housing development projects. Once developed, the property is registered in the names of the beneficiary households
- **Pro-poor development:** An approach to development that starts from the perspective of the poorest groups and individuals and is tailored towards the basic needs of all at every stage whilst seeking to ensure that the benefits of development are disproportionate in favour of the poor
- **Public-private partnerships (PPP):** Cooperative partnerships between the public and private sectors
- **Public sector:** Government (local, provincial and national) and including government owned enterprises and entities
- **Public rental housing:** A form of housing tenure in which the property is owned and managed by a provincial or local government authority, and made available to low-income individuals and households for nominal rental rates

R

- **RDP housing:** Freestanding starter housing units and services as provided through housing subsidies for households earning below R3,500 per month
- **Rental/leasehold:** A form of housing tenure in which one party (the landlord) binds himself or herself to give another party (the tenant) the temporary use and enjoyment of a property (the premises) in return for the payment of rent. In common usage, short term leasehold agreements are called rental agreements, while only longer term leasehold agreements are called leasehold agreements
- **Rent-to-buy:** A form of housing tenure in which tenants obtain individual ownership of units after renting for a specified period, usually a minimum of four years. During the rental period, tenants can accumulate savings which may be built into their monthly rental and which can later be deducted from the purchase price. If a tenant leaves their unit before taking transfer, they are entitled to a repayment of any such accumulated savings
- **Residential use (development):** A property not used for business or office purposes but for residential purposes and consisting of, amongst others, free-standing houses, row houses, flats, and semi-detached units
- **Residential density (gross):** The number of persons living in an area divided by the total area. The total site area is applicable, and includes schools, public open space, roads, green areas and other facilities
- **Residential density (net):** The number of persons living in an area divided by the net residential area (only the area taken up by residential plots, i.e. the area developed with dwellings and gardens)
- **Residents:** Inhabitants of housing developments. They may be tenants, members, owners or residents depending on the type of housing institution and tenure arrangements
- **Respondents:** The person (or persons) responding in an interview who is a member (members) of the household, and is in a position to answer the questions
- **Right:** Generally defined, a right is a just and fair claim to anything whatsoever. The word also refers to something to which there is a just claim. An ownership right is what the law calls a real right - the thing that is owned may be given or sold to or inherited by someone else
- **Row housing:** A development consisting of a building containing a row of two or more houses joined at the sides

S

- **Scale:** Scale refers to judgments about appropriate size, measured in terms of a 'human scale'. A central concern in place-making is creating settlements which are humanly scaled (i.e. scaled so that human beings can operate comfortably within them). Settlements should always be scaled for people who travel on foot or by means of public transport
- **Secondary housing market:** The resale or renting of a home or of an informal structure on a property

- **Secondary co-operative:** A co-operative formed by two or more primary co-operatives to provide sectoral services to its members, which may include juristic persons
- **Section 21 Company:** A non-profit organisation registered in terms of Section 21 of the Companies Act of 1973. The company is not allowed to operate to make a profit and no profits are shared amongst the company members. The members appoint the directors who have executive powers and are responsible for the day-to-day running of the company
- **Sectional title:** A form of housing tenure which combines individual ownership of individual units and joint ownership of communal property, as per the Sectional Titles Act of 1986. The only form of tenure that provides ownership of individual units in a block of flats
- **Secure tenure:** Protection from involuntary removal from land or residence except through due legal process. Security of tenure need not amount to ownership, nor need it last all the time. A lessee has security for the time of the lease and, for as long as the lessee complies with its conditions the law will give complete protection even against the owner of the land (or building)
- **Semi-detached housing:** Pairs of houses built side by side joined by one side, with the front, back and one side detached
- **Sense of place:** Either the intrinsic character of a place (made up of a mix of natural and cultural features in the landscape, including the people who occupy the place), or the meaning people give to it, but, more often, a mixture of both.
- **Setback:** Regulations specifying the distance required between buildings and plot boundaries
- **Single dwelling unit:** A freestanding, detached housing unit originally designed to house one household
- **Slum:** As defined by the UN, a run down area of a city characterised by substandard housing and squalor and lacking in tenure security
- **Social capital:** Access to networks (such as relationships of trust, membership of groups, and access to wider institutions) to mobilise resources and obtain beneficial outcomes for individuals or households. Referred to as the institutions, relationships, norms and networks that shape the quality and quantity of society's social interactions and enables collective action, community participation, empowerment and sustainability
- **Social housing:** A rental or co-operative housing option for low to medium households (earning no less than R3,500 per month in income) at a level of scale and built form which requires institutionalised management (provided by social housing institutions or other delivery agents) in approved projects in designated restructuring zones with the benefit of public funding
- **Social sustainability:** In this resource book it is defined as policies and actions aimed at improving quality of life, equitable access and distribution of rights over the use and appropriation of the natural and built environment
- **Socio-economic:** Involving both social and economic factors
- **Socio-economic environment:** That part of the environment that has its origins or being in human activities, for example social, economic, cultural and political objects and processes
- **Spatial:** Relating to the organisation of space
- **Spatial Development Framework (SDF):** A framework which articulates the main elements which structure the city (including green space, movement, urban public spaces and places, social facilities, and so on) in a mutually-reinforcing manner
- **Spatial planning:** A public sector activity that creates a regulatory framework and directs public investment and within which private sector and other development actors are obliged to operate. It has two broad dimensions: proactive planning and land development and management
- **Spatial structure:** The creation of a system of ordering space, The primary elements of structure are movement connections, public space, public facilities and utility services arranged into a hierarchical system
- **Special needs housing:** Usually the provision of temporary housing for vulnerable groups (such as abused women or children) that have been rendered homeless through a range of circumstances. As residents, they can be provided with secure accommodation and programs designed to 'reduce their vulnerability'. Special Needs Housing also includes the provision of housing for people with special physical needs who cannot live in a typical house without some form of physical adaptation or some level of assistance to cope with the tasks of daily living

- **Spheres of government:** National, provincial and local government
- **Sprawl (urban sprawl):** Sprawl occurs where land uses occupy more land than is required. It is characterised by low-density development (single dwelling units), separation of activities and land uses, the suburban or township ethos, freestanding buildings surrounded by private space, inwardly-oriented neighbourhood units and the spreading of a city along the edges of urban area. Sprawl results in persons traveling long distances to their place of employment in the urban area and encourages the use of the private motor car, especially in cities where public transport systems are ineffective or expensive
- **Stakeholders:** Individuals, organisations and institutions that are affected by or can affect a development or issue. Examples include community-based organisations, political parties, businesses, interest groups, councilors and public officials
- **Standard:** A quantity or quality regarded as having special value for the housing environment. It can be a by-law, design criteria or societal norm and is expressed numerically. Standards are relative and must vary greatly from place to place and from time to time
- **Subdivision:** In relation to land, a way to divide land by means of an actual survey into portions (such as erven and public places) and to have the plan registered in the office of the Surveyor-General
- **Sub-lease (sub-let):** A lease given by a tenant of part or all of a premises allowing another person to occupy for a shorter time period than the original lease, while still retaining some interest
- **Suburbs:** Residential areas where the primary aim is to create and maintain spacious and quiet residential areas. Suburbs vary greatly depending on location, history and income of residents
- **Sustainable development:** Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. This includes management and maintenance of a wide range of resources on a continuous basis. In a sustainable development approach the direct and active participation of those who the development is intended to benefit is integral in every stage of the project from conceptualisation and planning through to evaluation.
- **Sustainable human settlements:** In this resource book, sustainable human settlements are urban settlements which provide an array of opportunities and choices relating to appropriate densities, adequate housing, tenure types and housing typologies, as well as access to economic and social facilities within walking distance to public transport. These settlements should provide for households with a variety of incomes and should be planned and managed in a participatory way, ensuring that development happens in balance with the natural systems on which they depend
- **Sustainable livelihood:** A livelihood is a means of living including the capabilities, assets (both material and social) and activities. A livelihood is sustainable when it can cope with and recover from shocks and stresses, and maintain and enhance its capabilities and assets on an ongoing basis without undermining the natural resource base

T

- **Tenure:** Relationship between a person (their defendable rights and enforceable duties) to property and benefits flowing from it
- **Tenure system:** A tenure system is the basis on which the rights to occupy, use and benefit from land are held, for example, by permission, by lease, by private or communal ownership. The tenure system also determines who has or who can access these rights
- **Threshold of support:** The minimum level of support necessary to make the provision of goods and services viable to end-users
- **Title deed:** A legal document denoting ownership of property and filed in a deeds office containing details of a property and its owner. It indicates the purchase price, restrictive conditions of title and limited real rights
- **Top structure:** The housing unit, excluding infrastructure
- **Triple bottom-line:** The main issues affecting sustainability, namely environmental, social (institutional) and financial issues
- **Two-rate system:** A form of land value tax which allows for the value of the land to be taxed at a higher rate than the value of the buildings or improvements

U

- **Urban:** There is no standard definition of urban. The South African population censuses prior to 1996 define populations as urban if they fall under the jurisdiction of a local authority or municipality that was declared as urban. Typically this excluded peri-urban settlements outside of the municipal boundary and settlements within the old homelands. A more common definition used by the United Nations is of a settlement of 20 000 people
- **Urban area:** In this resource book, it is an area with an increased density of human-created structures in comparison to the areas surrounding it. Urban areas may be cities, towns or conurbations, but the term is not commonly extended to rural settlements such as villages and hamlets. In this area the majority of people are not directly dependent on natural resource-based occupations. The classification between urban and rural is described by Statistics South Africa as “rather fluid”, and some areas have been reclassified in the past few years. This is mostly because the ‘semi-urban’ category was dispensed with in the 2001 Census, resulting in a slightly more inclusive ‘urban’ classification which, for example, now includes informal settlements on the urban periphery
- **Urban edge:** A demarcated line and interrelated policy which serves to manage, direct and control the outer limits of urban expansion of a city or town
- **Urban form:** The physical height, size and shape of urban development and how the different elements (public space, public buildings, private space and buildings, commercial activity, residential development, etc.) appear in relation to one another
- **Urban fragmentation:** A spatial phenomenon that results from the act of breaking up, breaking off from, or disjoining the pre-existing form and structure of the city and systems of cities
- **Urban node:** See Activity/urban node
- **Urban renewal:** Multi-sectoral interventions such as the improvement and upgrading of infrastructure, housing, social facilities and opportunities for local economic development, which are undertaken within specific geographic areas and within a specific time-frame
- **Urban structure:** The layout of the urban area. The spatial geometry or pattern of settlement as created by connecting elements of the urban area such as transport links, metropolitan open space, nodes and other spaces and the corresponding spatial relationships between them
- **Urbanisation:** Migration of people from rural to urban areas. Presently a global phenomenon leading to overpopulation and unemployment in urban areas. Urbanisation is the main process driving the creation and ongoing remaking of cities

V

- **Value Capture:** Use of mechanisms such as land value taxes, land banking and land pooling in order for the government to capture unearned increases in land value and to direct land development for the common good of all citizens
- **Vulnerability:** The characteristics that limit an individual, a household, a community, a city, a country or even an ecosystem’s capacity to anticipate, manage, resist or recover from the impact of a natural or other threat
- **Vulnerable individuals/groups:** People or groups at risk of poverty and destitution. Groups consist of a wide range of sub-groups with a variety of individual needs. Examples are women, children and youth, elderly, disabled people, people affected or infected by HIV/ AIDS and unemployed people

W

- **Well-being:** Well-being refers to the quality of life and denotes a good life. Well-being is holistic and incorporates the different facets of one’s life. Indicators of well-being may include the health of household members, how well they eat, their education, access to employment or social benefits, the different assets, resources and means of production to which they have access, how people perceive their lives and the extent to which they have equality of opportunity, dignity, respect and freedom

Z

- **Zone:** When used as a noun, means land set apart by a zoning scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit. When used as a verb in relation to land, means to set apart the land for a particular zoning
- **Zoning:** The category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant scheme regulations

Annexure 3 ACRONYMS

AGM	Annual General Meeting
AIDS	Acquired Immune Deficiency Syndrome
ANC	African National Congress
ASGISA	Accelerated Shared Growth Initiative
BESG	Built Environment Support Group
BNG	Breaking New Ground plan
BPSA	BP (previously known as British Petroleum) Southern Africa (Pty) Limited
Catch	Community Assisted Tenant Controlled Housing Incorporated
CBD	Central Business District
CBO	Community Based Organisation
CDS	City Development Strategy
CEIMP	Consolidated Environmental Implementation and Management Plan
CFL	Compact Fluorescent Light
CIDCO	City and Industrial Development Corporation of India
CIS	Cambridge Institute for Sustainability
CLO	Community Liaison Officer
CMIP	Consolidated Municipal Infrastructure Programme
CPA	Communal Property Association
CPC	Community Preservation Corporation
CPF	Community Policing Forum
CPTED	Crime Prevention through Environmental Design
CRU	Community Residential Units
CSIR	Council for Scientific and Industrial Research
CTCHC	Cape Town Community Housing Company
DA	Democratic Alliance
DAG	Development Action Group
DFID	Department for International Development
DPLG	Department of Provincial and Local Government
Du/h	Dwelling units per hectare
EWS	Economically Weaker Section
FAR	Floor Area Ratio
FSI	Floor Space Index
GDP	Gross Domestic Product
GDS	Growth and Development Strategy
GEAR	Growth, Employment and Redistribution Programme
GEMS	Guilt Edged Management Services
GMSA	General Motors South Africa
GRET	Group for Research and Exchange of Technology – a non-government organisation in France
GVRD	Greater Vancouver Regional District
HBE	Home Based Enterprises
HDFC	Housing Development Finance Corporation
HIG	Higher Income Group
HIV	Human Immunodeficiency Virus
HLGC	Home Loan Guarantee Company
HPD	Housing Preservation and Development

ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHUT	Inner City Housing Upgrade Trust
IDP	Integrated Development Plan
iSLP	Integrated Serviced Land Project
ITC	International Trade Commission
JHC	Johannesburg Housing Company
LED	Local Economic Development
LFS	Labour Force Survey
LIG	Lower Income Group
LUPO	Land Use Planning Ordinance
LURA	Land Use Resolution Agreement
Mantag	Minimum Agrément Norms and Technical Advisory Guide
MDG	Millennium Development Goal
MEC	Member of the Executive Council
MinMEC	Forum where national ministers and provincial members of the executive councils (MECs) with common responsibilities coordinate their activities
MHA	Mutual Housing Association
MHDT	Missionvale Housing Development Trust
MIG	Middle Income Group
MTRC	Metropolitan Transit Railway Corporation
NASHO	National Association of Housing Organisations
NBBL	Norske Boligbyggelags Landsforbund (The Norwegian Federation of Co-operative Housing Associations)
NBR	National Building Regulations
NDA	National Development Agency
NEMA	National Environmental Management Act
NGO	Non-Government Organisation
NHA	National Housing Authority
NHBRC	National Home Builders Registration Council
NHC	Newton Housing Co-operative
NHFC	National Housing Finance Corporation
NIMBY	Not-In-My-Back-Yard
NSDP	National Spatial Development Perspective
NURCHA	National Urban Reconstruction and Housing Agency
NUV	Newtown Urban Village
OHS	October Household Survey
OPIC	Overseas Private Investment Corporation
PAWC	Provincial Administration of the Western Cape
PDGS	Provincial Growth and Development Strategies
PGS	Planning Gain Supplement
PHB	Provincial Housing Board
PHDB	Provincial Housing Development Board
PHP	People's Housing Process
PPP	Public-private partnerships
POWA	People Opposing Women Abuse
R&P	Rail and Property
RDP	Reconstruction and Development Programme
RTC	Resolution Trust Corporation
SABS	South African Bureau of Standards
SALGA	South African Local Government Association
SANCO	South African National Civics Organisation

SAQA	South African Qualifications Authority
SCCCA	Southern Cape Coastal Condensation Area
SDF	Spatial Development Framework
SHF	Social Housing Foundation
SHI	Social Housing Institution
Sapoa	South African Property Owners Association
TB	Tuberculosis
TUHF	Trust for Urban Housing Finance
UK	United Kingdom
UN	United Nations
UPA	Urban Poor Associates
USAID	United States Agency for International Development
USG	Urban Services Group
VAT	Value Added Tax
VIP latrine	Ventilated Improved Pit latrine
WHDT	Walmer Housing Development Trust
WHMHA	Washington Heights Mutual Housing Association
WWF	World Wildlife Fund

Annexure 4

LIST OF TABLES

Table 1:	Summary of some key learnings emanating from the case studies
Table 2:	Performance measures for medium-density housing environments
Table 3:	Subsidised houses delivered per financial year 1994-2008
Table 4:	National housing expenditure
Table 5:	Changes in Gini-coefficient in South Africa 1991-2001
Table 6:	Different densities
Table 7:	Summary of comparative population densities of some large cities
Table 8:	Guidelines for community facilities
Table 9:	Dimensions of poverty
Table 10:	Dimensions of urban integration policies
Table 11:	Vital statistics: Comparison between low- and medium-density scenarios
Table 12:	Project costs – Sakhasonke Village
Table 13:	Building costs – Sakhasonke Village
Table 14:	Cumulative savings – Sakhasonke Village
Table 15:	Comparison between low- and higher-density housing
Table 16:	National rental types, number of households and providers
Table 17:	National demand progression for rental units (Viruly 2004)
Table 18:	Type of rental units in South Africa
Table 19:	Projection: demand for different types of rental housing in South Africa
Table 20:	National monthly wage income: 2004
Table 21:	Growth in the rental housing sector from 1999 to 2005
Table 22:	Building height and ground coverage of residential buildings determining city texture
Table 23:	Row housing (terrace housing) / semi-detached housing
Table 24:	Maisonnettes
Table 25:	Courtyard housing
Table 26:	Three- to four-storey walk-ups
Table 27:	Flats
Table 28:	Cluster housing
Table 29:	Rooms
Table 30:	Lynch and Hack: proposed thresholds for different housing typologies
Table 31:	Thresholds proposed for different housing typologies in South Africa
Table 32:	Optimal settlement layouts
Table 33:	Effects of different building types
Table 34:	Site design comparison between high-rise and three storey walk-ups
Table 35:	Sustainable energy options for the home
Table 36:	Energy content of building materials (embodied energy)
Table 37:	Checklist of key development considerations
Table 38:	Overview of case studies
Table 39:	Springfield Terrace: Comparison of bulk accounts
Table 40:	Springfield Terrace: Levies for block E2
Table 41:	Springfield Terrace: Performance of blocks
Table 42:	Springfield Terrace: The range of units
Table 43:	Springfield Terrace: Simplified structure of the Formula 4 of 1987 subsidy system
Table 44:	Carr Gardens: Basic monthly rentals in 2005 and 2007
Table 45:	Carr Gardens: Budget allocation
Table 46:	Newtown Urban Village: Unit details
Table 47:	Newtown Urban Village: Budget allocation
Table 48:	Stock Road: Unit details
Table 49:	Stock Road: Total budget for CTCHC projects
Table 50:	Missionvale: Budget allocation – average amount for the main cost centres
Table 51:	Missionvale: Actual cost break-downs for the six house types
Table 52:	Missionvale: Apportionment of the subsidy
Table 53:	Samora Machel: Final project costs
Table 54:	Sakhasonke Village: Sources of funding per beneficiary
Table 55:	Sakhasonke Village: Budget allocation (based on 2003 estimates)
Table 56:	The South African Housing Subsidy Scheme subsidy quantum amounts for the period 1 April 2007 to 31 March 2008 in respect of a 40m ² house only

Annexure 5

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