



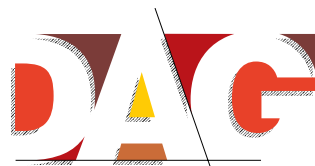
# Backyard Rental in Cape Town

Setting the stage for community  
collective advocacy

August 2023



**BACKYARD MATTERS**  
ENABLING PEOPLE, PLACE & POLICY



*Development Action Group*

# Contents

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Backyard Matters is a partnership initiative between DAG and Isandla Institute. The project is aimed at strengthening the backyard rental market and contributing towards well-managed, quality rental stock that provides affordable, dignified and safe housing solutions. Backyard Matters is funded by Comic Relief

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# 01 Background and context

Traditional backyarding is one of the few housing options available to low-income households and marginalised communities, which include the under-employed, female-headed households and those who work in the informal sector.

Government-led housing programmes such as **Breaking New Ground (BNG)**, **Community Residential Units (CRU)** and the **Social Housing Programme (SHP)** have fallen well-short of meeting the overwhelming demand for secure, low-cost housing, particularly in areas which provide easy access to employment centres and public services. As a consequence of this unmet need, South African metropolitan areas in particular have seen – over a period of many years - a proliferation of backyard rental accommodation. Cape Town has been no exception.

Various investigations have found that many backyard tenants have inadequate to no access to essential services such as electricity, water and sanitation. In 2014, the City of Cape Town began to respond to this need by installing such services for tenants residing in the backyards of City-owned rental housing (Democratic Alliance 2019). The impetus

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**The backyard rental sector continues to grow.**

**94,500 - 108,000**

**Households living in backyard dwellings (2016) comprising:**

**6.5 % - 7.5 %**

**Cape Town households**

**Informal backyard dwelling increase:**

**256 %** (21 780 - 77 630)  
(1996) (2016)

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**Source:** The City of Cape Town's Human Settlement Strategy (2021) cites figures from the Statistics South Africa (Stats SA) Community Survey 2016.

for the development of this programme was due, in large part, to backyard dwellers of city-owned properties finding their collective voice and advocating for their right to basic services.

In the 2000s a group of backyard tenant activists in Manenberg residing on city-owned housing properties, launched the **Western Cape Backyarders Network (WCBN)**, with the support of the **Community Organisation Resource Centre (CORC)**. This Network then successfully negotiated with the City for the extension of basic services to backyard dwellers living on City-owned rental properties. However, the vast majority of backyard dwellers in Cape Town reside on private residential property. The City of Cape Town's Human Settlements Strategy (2021) indicates that there are approximately **41,500** backyard structures on council-owned land. Pursuant to the Stats SA figures quoted above, it can therefore be deduced that of the **94,500 to 108,000** households that live in backyard dwellings between **53,000 and 66,500** must be on private land (between **56% and 62%**). While various resident associations have attempted to address the concerns of backyard residents on private property, there is currently no grassroots, city-wide network that engages with government on behalf of this population.

In late 2019, the Development Action Group (DAG) partnered with the **Isandla Institute** and **Violence Prevention through Urban Upgrading (VPUU)** to develop the **Backyard Matters project**, an initiative aimed at gaining a better understanding of the nature and dynamics of backyard communities and to determine what support mechanisms

may be required to help ensure that this sector provides viable and liveable housing solutions.

As part of the project, DAG also partnered with residents in four neighbourhoods, namely, Maitland Garden Village, Lost City, Freedom Park and Eerste River.

Research undertaken through the Backyard Matters Project, and by various other organisations and academics in recent years, (drawn on in this report) have confirmed that thousands of backyard tenants in Cape Town continue to live in sub-standard conditions, and have limited recourse for assistance. Yet, as of 2023, no sphere of government has formulated any specific initiative aimed at addressing the poor conditions and delivering on the rights of backyard dwellers residing on private property.

**It was with these objectives in mind that DAG commissioned this report. In essence, therefore, this report seeks to:**

- Determine important and pressing challenges facing the backyard sector alongside Backyard communities.
- Identify what role government spheres should play in supporting the sector.
- Set out an advocacy agenda for the backyard sector co-created with backyard communities.
- Identify what actions need to be taken to help ensure that the backyard community can speak as a collective and work with government to address the identified issues.

# 02

## Methodology

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A mixed method approach was undertaken for the study. This approach included a literature review, face-to-face interviews, focus groups and a workshop.



Pictured above: DAG representative presenting on how to develop effective, successful and targeted advocacy strategies.

The literature review examined and incorporated a range of documents containing material relevant to backyard rental, particularly in Cape Town. These documents included reports and policy submissions developed by the Backyard Matters project (Isandla Institute and DAG), position and policy papers, and academic studies by a range of authors and organisations.

A total of six one-on-one interviews were conducted with both activists and researchers who had a strong background in addressing backyard rental issues. These were all open-ended, semi-structured interviews. A group interview was also held with three key members of the staff of Isandla Institute. The respondents were selected either by DAG or by the researcher in consultation with DAG. In addition, the researcher undertook

informal discussions with three other researchers who had experience engaging government on backyard residential matters.

Two focus groups and a final workshop were undertaken, all held on Saturdays, with both backyard landlords and tenants (although the tenants greatly outnumbered the landlords). Some community leaders also joined the focus groups and the workshop. One focus group was comprised of residents from Eerste River and surrounding areas while the other was comprised of residents from Mitchells Plain (mainly Lost City and Freedom Park).

The workshop included representatives from areas with substantial backyard populations. These included community representatives and backyard tenants from Bellville South, Maitland Garden Village, Mitchells Plain (mainly Lenteguer, Tafelsig, Lost City and Freedom Park), Eerste River, Manenberg, Bluedowns, and Bonteheuwel.

The consultant presented preliminary findings at the workshop for the purposes of verification and to obtain further information relevant to this report, particularly around the issue of promoting collective advocacy. The participants were then split randomly into three groups, each facilitated by a DAG staff member. The groups were asked to reflect on the presentation, choose one advocacy issue and use a power flower phenomenon to produce



Pictured above: One of the community representatives presenting back on the advocacy tactics using the power flower.



Pictured above: Adrian presenting on the outcome of the collective advocacy report from engagements with Backyard tenants and landlords



Pictured above: Legal Opinion paper workshop regarding the obligation of municipalities to provide basic services for Backyarders on private land in Partnership with Isandla Institute.

an advocacy strategy / plan of action.

**The power flower phenomenon serves as a capacity-building tool to strengthen the capacity of community leaders to develop effective and targeted advocacy strategies.**

# 03

## Findings

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This section sets out the findings that emerged from these engagements with members of the backyard community.

Inputs from interviews with NGOs and other stakeholders are also integrated in this section as are some of the key points arising from the literature review.

### Visibility

Engagements with various stakeholders identified that a core challenge for the backyard sector, in terms of both tenants and landlords having their voices heard by government, is the lack of visibility of backyarding as a practice, to both the general public and policy makers. One activist asserted that an important objective for the backyard sector is to become more visible and thus make government more aware of the needs of the backyard community. She explains that:

**“When you come down the N2 you see the informal settlements. But you don’t see the backyarders. We must make ourselves visible. Our challenges are real ... our needs are real.”**

Backyard dwellers (particularly those residing on private property) are not recognised by government as a unique housing community with a unique and specific set of needs. This sense was strongly emphasised and echoed by backyard dwellers participating in the workshop who continue to feel like invisible members of their communities and invisible residents of the city.

### Access to essential services

The literature, the interviews and, in particular, the focus groups for the study all provided powerful evidence that access to essential services, namely electricity, water and sanitation, remains highly problematic for many backyard tenants.

#### Electricity

The study found that some tenants are exploited by landlords when it comes to electricity costs. While electricity for backyard tenants appears to be covered in rental payments in most cases (DAG



2020), there were examples in the focus groups of landlords charging separately for this service. One tenant, for example, was charged approximately R500 per month while another claimed to have been charged R200 for two days' worth of usage.

Reflecting on the experience of focus group participants, *Walls et al. (2020)* assert that, in most cases, backyard dwellers rely on the landlord to supply them with electricity and that this is sometimes done at inflated rates. *Walls et al. (2020:115)* also cite reports of landlords "not supplying power due to payment disputes or if the landlord has not purchased more electricity for the prepaid systems commonly employed."

Tenants participating in the focus groups asserted that landlords sometimes cut off the supply when they (the tenant) are unable to pay rent on time, are unable to meet separate charges, or even for reasons of personal retaliation. There were also instances of landlords failing to purchase ongoing supply for the main house, thus also leaving tenants without power. Above and beyond load shedding, there appears to be many examples of this. One tenant asserted that:

**"The minute the main house runs out of electricity, and the landlord does not re-load, then the tenant has no access to electricity anymore."**



Pictured above: Group Session with Backyard tenants and landlords during the collective advocacy workshop.

In previous research, DAG (2020) found that both landlords and tenants would prefer a separate electricity box for the backyard structures. However, one participant in the Eerste River focus group found that such a box costs approximately R11,000, an amount that is unaffordable for most backyard households. There were also claims that some companies that install the boxes tend to overcharge and profiteer. Meters purchased at hardware shops also appear to be more expensive than those sold by Eskom.

Additionally, as noted by some focus group participants, backyard tenants who receive electricity through the main house are not able to benefit from the government-subsidised free 50kWh per month provision.



## Water, sanitation and health

Similar to the situation with basic electricity allocation, backyard tenants are excluded from the benefit of the basic free water and sanitation allocation. *(This allocation provides the first 6,000 litres [6 kl] of water and 4,200 litres [4,2 kl] of sewage per month free of charge).* More concerning than this, however, was the testimony of focus group participants who struggled to access any water and sanitary services at all.

Some tenants are allowed to use toilet facilities in the main house, but others are forced to use the bucket system. **This raises significant health and quality of life concerns.** Access to water can be limited for many tenants as some landlords do not allow access to the main house, preventing tenants from using taps. Some tenants reported that they were not allowed to use bathroom facilities in the main house and therefore had to bathe in their room using whatever water they could gather.

There were also cases of landlords charging additional fees for water and sanitation. Several tenants reported having to pay additional flat monthly charges for water above and beyond the rental payment. One tenant, who resides in a backyard structure, reported that she was charged an extra **R300** per month in order to access a toilet in the backyard, bringing her monthly rent to a total of **R2,000**.

One interviewee argued that, in addition to the health threats posed by the lack of access to water and sanitation facilities, **backyarders also face serious health risks due to overcrowding.** This view was supported by participants in the workshop who, having noted that overcrowding is widespread in backyard housing, asserted that this is commonly associated with negative health outcomes for residents.

Participants in the workshop also shared that health and safety concerns for children living in backyard dwellings are often overlooked, as discussions tend to focus on adult tenants and landlords. **Living in overcrowded conditions with inadequate access to services, coupled with poor safety and security, places children at great risk.**

Participants also noted the negative affect that such conditions can have on a child's performance in school. One interviewee asserted that overcrowding in backyard residences means that children tend to spend a great deal of time on the street where they are vulnerable to recruitment by criminal gangs. **The health, welfare and the rights of children are vital factors to consider when developing interventions for the backyard sector.**

## Refuse

Refuse collection on many properties with backyard structures is problematic for both landlords and tenants. Only **one 240L** municipal bin is provided for each property and this tends to become overloaded, particularly on properties with several backyard households. Focus group participants noted that this, in turn, can lead to a very unhealthy accumulation of garbage and can contribute to instances of illegal

dumping. This issue is one of several problems for backyard communities that have resulted from their lack of recognition from the municipality and their systems, and a persistent pushback against acknowledging that an erf presumed to contain a single home may in fact contain several dwellings and therefore several different households.

## Fire risk

**Backyard dwellers may live with a higher risk of fire than those in formal dwellings.** A study by Govender *et al* (2011) (cited in Walls *et al* 2020) of four

low-income communities in Cape Town found that electrical connections often pose a fire risk for backyard dwellings. Walls *et al* (2020:115) conclude that:

**“The [lack of] pervasiveness of electrical fire safety is not surprising, as power is supplied to residents from formal homes, and this may be done through poor quality electrical installations or extension cords, and electrical connections may become overloaded.”**

Some workshop participants shared their experience of being affected by fires in backyard structures in Mitchells Plain. The high fire risk factor was underlined by one resident who noted that a wendy house (a common backyard structure) has only one door

and window, leaving limited means of exit. Backyard residents may therefore be at even greater risk of death or injury through fire than residents of the main house.

## Crime

The need to address crime and violence – was one of the key concerns, among respondents (both landlords and tenants). The Isandla Institute (2021) report concludes that:

**“..improvements in the public realm, and particularly area-based violence and crime prevention interventions, need to be given greater attention.”**

**(Isandla Institute 2021a:37)**

This finding strongly reflected the views of participants in the focus groups. One community leader described his community crime rating as having ‘5 stars’. Some people are in danger of being labelled as members of a particular gang depending on where they live. Participants noted that the danger during loadshedding is particularly high. However, loadshedding notwithstanding, participants also shared that criminals sometimes steal electricity boxes and that they can sit without power for up to a week.

## Lack of knowledge of rights

This study found that backyard tenants felt that they had very little if any understanding of their rights and that this greatly compromised their security of tenure and access to basic services. Furthermore, according to the backyard tenants and landlords from the focus group, few have the knowledge of which agencies or organisations they can approach for advice and redress when having water or electricity cut off by their landlord.

Tenants in the focus groups felt that they had very little security of tenure without written lease agreements. **Scheba and Turok (2020)**, as well as **DAG (2020)**, note that very few backyard tenants have such agreements with landlords. This may leave tenants vulnerable to the landlord making arbitrary changes to verbal agreements by, for example, introducing or increasing additional service charges.

There were very few examples from the focus groups of tenants and landlords finding redress to the violation of their rights at the provincial Rental Housing Tribunal located in the Cape Town city centre. Set up under the Rental Housing Act (1999, as amended), the Tribunal’s mandate is to resolve disputes between landlords and tenants, and it has the authority to make orders pursuant to

the rights and responsibilities outlined in the Act.

**Very few backyard tenants appeared to be aware of the services of the Tribunal.** One NGO respondent noted that access to the Tribunal is difficult for many and that the processes may be too slow to be effective, noting that forms need to be downloaded and printed from the website – scanned, posted or hand-delivered. This participant also asserted:

**“Imagine if you are facing eviction from a backyard landlord. By the time the Tribunal gets back to the tenant they have been put out.”**

A participant from DAG suggested that in order to address the Tribunal's lack of accessibility, it would be necessary to advocate for a more decentralised programme which would have presence in areas with the greatest need.

Another interviewee maintained that:

**“The Rental Housing Tribunal could play a bigger role, not just in terms of mediating disputes but in terms of public education around rights and responsibilities – specifically targeting this (backyard) sector.”**

As with many government bodies, the Tribunal has limited resources itself and cannot address issues in all communities with large backyard populations. However, the Tribunal may be able to help strengthen the informal mediation structures that already exist. A DAG participant pointed out that in some areas, there are local dispute resolution mechanisms facilitated by community leaders and others that provide support in helping to resolve disputes. The Tribunal could possibly partner with these parties – or at least provide training for them concerning tenant and landlord rights and responsibilities.

DAG has partnered with the Tribunal in the past to help roll out information sessions for communities. There is a need to do so again, in a way that specifically targets backyard landlords and tenants. Ideally, a number of NGOs and community networks should be involved in such an effort.

## Challenges faced by landlords

It must be recognised that, similar to the majority of backyard tenants, many landlords of backyard dwellings also live in precarious socioeconomic conditions. The Isandla Institute (2021) notes that many owners rely on rental payments as a primary or sole source of income. It would also be quite incorrect to portray all landlords as exploitative of their tenants. Furthermore, the very legal system that fails to enforce rights for tenants, often also fails landlords.

It should also be recognised that the fact that many landlords of backyard dwellings may themselves be cash-poor, means they have less leeway to be lenient in terms of rental payments when compared with many owners of formal properties. The Isandla Institute (2022:15) asserted that:

**“The tension between backyard tenants’ inability to pay rent and landlords’ reliance on rental incomes for their livelihoods thus creates an impossible dynamic.”**

There are various important objectives, not least of which is the expansion of bulk infrastructure services, that backyard tenants and landlords can fully agree on and can advocate for together.



Pictured above: Main house and backyard structure.



Pictured above: Backyard Structure on private land with access to basic services.

## Engagement with the city

In a civil society submission endorsed by various civil society organisations (CSOs), the Isandla Institute (2022:4) asserts that meeting the housing rights of tenants includes an obligation for government, and municipalities in particular, to undertake substantive community engagement. The researchers add that:

**“Significantly, housing rights include the duty of substantive community engagement, especially by municipalities. This extends to the duty of ‘meaningful engagement’ between municipalities and communities particularly in the context of rights limitations, including eviction situations that may lead to homelessness.”**

This underlines the need for the City to become much more proactive in terms of engaging with backyard communities and providing more support to prevent arbitrary eviction that so often leads to homelessness for this vulnerable population. The Isandla Institute (2022) also contends that backyard communities, which should have equal



**Pictured above:** Legal Opinion paper workshop regarding the obligation of municipalities to provide basic services for Backyarders on private land in Partnership with Isandla Institute.

say in matters affecting them, are often overlooked members of the municipal community. This sense is strongly reflected in the experience of focus group participants who have found that staff at local municipal offices are not helpful when it comes to addressing security of tenure problems.

The City of Cape Town has had very limited formal engagement with backyard tenants on private property in order to hear and address their concerns. **Part of the challenge with this is that, unlike the situation with informal settlements, there is no specific department or unit at the City with that has a mandate to deal with issues related to backyard housing.** This means that there is no clear structure or process for representatives of backyard dwellers to engage the municipality. The City is therefore falling short in its duty to undertake substantive community engagement on this issue. **An important advocacy objective should be for the City to**

develop a unit specifically mandated to address issues related to backyard dwellings.

The City should also be held accountable in terms of its policy statement on backyard housing as set out in its Human Settlements Strategy (2021), which reads:

- ♥ The City must develop incentives and disincentives that compel the main dwelling to provide service access.
- ♥ Utilising tools such as the Consolidated Land Pipeline (CLP), the City must ensure that bulk infrastructure capacity exists in current and anticipated areas of high backyarding.
- ♥ For backyarders in semi-formal areas, the City will support the development of standard backyarder building plans, compliant with the prescripts of the NBR, and to be made available at (the) Local Planning Support Office (City of Cape Town 2021: 92).

There should also be space for advocacy and engagement with the Provincial Government of the Western Cape. As noted by the **Isandla Institute** (2022), the **Western Cape's Human Settlement Framework** (2019:34) commits the province to 'improving the conditions of backyards through support and regulation'.

## Lack of city-wide movement

The absence of a backyard tenant's movement, which includes activists from different areas, makes collective advocacy with the City particularly difficult. Underlining the importance of speaking as a collective voice, one activist asserted that:

**"A strong solid backyard movement is not there – just a pocket of groups representing the same problems. One is firing this way, another is firing that way, but they are still following the same course. This plays some part in them not being recognised."**

Underlining the importance of collective advocacy, the respondent added that:

**"Before engaging with the City, backyarders must speak amongst themselves to create one solid unit that is representative of all."**

The experience of the Western Cape Backyarders Network (WCBN) can serve as an important lesson for advocacy efforts. Although that organisation's



context was different to the those of the communities which took part in this study (the WCBN being solely focused on backyarders on public housing properties), **the experience shows that, when united and focused on the same objectives, backyard residents can successfully engage with government to realise their right to access basic services.**

## **Alternatives to backyard rental**

A strong takeaway from the focus groups in particular is that **tenants do not wish to reside in backyards over the long-term, but rather want homes of their own, usually through the government’s low-income home ownership programme, known as BNG (previously “RDP”).** Indeed, most participating tenants had been on waiting lists for this form of housing for many years. From the enumeration findings in 2020, DAG also found that backyard tenants from Maitland Garden Village felt that their housing situation was only transitory, until they could find a place of their own.

There was some notable resentment in one of the focus groups about the fact that people from outside the immediate area are sometimes granted a newly developed BNG house, while people who have lived there for many years are seemingly excluded. The desire for BNG houses among some



**Pictured above:** Information session about the city’s housing allocation policy in partnership with government officials.

backyard tenants is so strong that it may be difficult to motivate them to focus on advocating to improve their own conditions in their backyard dwellings. As noted by one activist:

**“They see no future for themselves as backyarders – they are focused on free housing.”**

The main limitation with this mindset is that the BNG housing programme is being reprioritised to focus only on specific vulnerable groups, namely, the elderly, child-headed households, people with disabilities and military veterans. As noted in focus groups, another limitation affecting accessibility to BNG housing is its low-income threshold (a combined household income of up to R3500 per month). In fact, a cohabitating couple in receipt of the government’s the Older Person’s social grant (R2080 per person from 1 April

2023) would receive an amount higher than the upper income threshold of the BNG programme.

As noted by one activist:

**“People are increasingly disqualified from (BNG) housing on the basis of income, on an old age or disability pension. This throws a lot of people off the list and they’ll never receive adequate housing.”**

In 2020, the national government outlined an initiative by which eligible households would receive a serviced site on which they could build their own houses (Eglin: 2020). Some workshop participants expressed a preference for serviced sites for this purpose. For those with some building skills, this may be a suitable option. However, many would also need various kinds of technical support in order to develop a top structure. Community-based housing support centres (see 3.10) could perform this function. Discussions should take place with the City of Cape Town concerning the development and release of serviced sites, how people will be able to access them and what support will be provided.

Other government initiatives for low-income rental exist but can also be very hard to access. The Community

Residential Unit (CRU) programme, for example targets households earning as little as R800 per month. The rate of production of CRU housing, however, is extremely low and opportunities to access it are few and far between. The Social Housing Programme (SHP) is another example of a state low-income rental initiative. Social housing is provided by government-accredited social housing institutions (SHIs) and the lowest income band for eligibility is for those households earning between R1 850 and R3,500 per month. However, social housing opportunities for households in the lowest income band are scarce.

Several workshop participants, especially those affiliated with community-based organisations, said that they were uncomfortable speaking to members of their communities about other housing options such as social housing. This is because so many in their communities are unemployed and have large families, factors which would render them ineligible for social housing. For such households, getting a BNG house seems to be their only hope for obtaining affordable, secure tenure. Despite these limitations, some working backyarder dwellers may qualify for government-led programmes such as social housing and FLISP, or may do so in future if they are able to increase their incomes through steady employment. They should at least be aware of such options and how to access them when opportunities arise. There must be a

greater effort by government to inform backyarders of possible housing options such as these.

It should also be noted that, within the backyard sector, both tenants and landlords may have different challenges areas by area and even property by property. As concluded by the Isandla Institute (2021:26):

**“Given the highly contextual nature of the backyard rental market, the different types of landlord and tenant and their different needs and interests, there cannot be a ‘one size-fits-all’ approach to addressing some of the deficiencies or strengthening latent potential of the sector.”**

## **Housing support systems**

Isandla Institute (2022) has identified the need for the development of a neighbourhood-based housing support centres in order to (among other functions) help facilitate the development of quality top structures that comply with regulations and are built by local contractors. In addition to providing support for development, such centres could also provide a vital service by informing landlords and tenants of their rights and

responsibilities, and mediating disputes. A service such as this could build relationships with other key agencies such as the Rental Housing Tribunal.

As expressed in the workshop, some backyarders wish to use their subsidy to access an allocated serviced site on which to build a house. In this case, a local housing support centre could provide technical assistance, as well as other forms of support to grantees in their building process. In fact, the provision of this form of support is vital if the serviced site allocation policy is to result in the building of brick-and-mortar formal housing. It should also be noted that the Rental Housing Amendment Act 35 of 2014, requires municipalities to establish housing information centres.

The Maitland Garden Village Housing Forum has voiced its support for the development of a community-based centre which could provide support and assistance for backyard tenants and landlords. A housing support centre could assist community organisations such as these by providing access to data, office equipment and a meeting space. In this sense, the centre could provide the structure and support mechanisms necessary to enable grass-roots organisations and networks to identify issues of importance to their communities and act on these issues effectively. It is likely that a suitable NGO would be needed to provide initial coordination, training and capacity building.

# 04 Key issues to inform the collective advocacy agenda

- 1) The City of Cape Town CoCT should have a specific unit that deals with backyard housing issues, similar to the City's current approach to informal settlements.** Among other functions, the unit should be a focal point for engagement with a group (or groups) that represent backyard dwellers.
- 2) Government needs to be held accountable for its commitment to provide serviced sites to beneficiaries who would have otherwise qualified for a BNG house.** Further, government needs to outline a programme of technical support and other assistance – such as a support system for accessing affordable building materials - to help beneficiaries build their own homes.
- 3) Government should partner with community-based organisations (CBOs) to establish housing support centres.** In addition to providing a range of technical support for small-scale developers (including backyard developers), an important function of such centres should be to provide information on landlord and tenant rights and responsibilities, as well as mediation. Such a centre could also be a source of assistance for the beneficiaries who receive serviced sites.
- 4) The City of Cape Town should implement a plan to increase the capacity of bulk services to areas in which there has been a significant proliferation of backyard housing.**
- 5) Local municipal offices and ward councillors need to be much better educated about issues** pertaining to backyard rental, particularly the rights and responsibilities of landlords and tenants.
- 6) The South African Police Service (SAPS) needs to be educated on eviction law pertaining to backyarders, with a particular focus on the fact that eviction of a tenant from a backyard dwelling is illegal without a court order.** SAPS should also be made more aware of the particular vulnerabilities of backyard dwellers given the lack of security features of their structures.
- 7) The Rental Housing Tribunal could play a bigger role,** not just in terms of mediating disputes but in terms of public education around rights and responsibilities – specifically targeting the backyard rental sector.

**8) The City of Cape Town should be held accountable** for implementing its policy statement on backyard housing contained in its 2021 Human Settlements Strategy (see section 3.7 of this report).

**9) The City of Cape Town could undertake a pilot project** which focuses on extending bulk services to backyard dwellings on private property

in an area in which the infrastructure is over-specified and which has a significant amount of backyard communities.

**10) In close consultation with stakeholders, including the affected communities themselves, government in all spheres should develop formal policies** specifically addressing backyard housing.

# 05

## Action needed to facilitate collective advocacy

Participants in the workshop identified the following activities that need to take place to move the identified issues forward:

- Each participating resident's association should appoint a representative for backyard issues in order to form a committee that is able to engage with government and speak as one voice.
- A WhatsApp group should be formed to help connect those that are speaking on behalf of backyarders.
- Members of associations should work to help get each other elected to sub-councils in order to raise backyarder issues within these

platforms, and become active on ward committees.

- Stronger relationships should be built with ward councillors to ensure that they better understand backyard issues.
- Social media should be used to help raise the public's awareness of backyarder issues.
- Key issues should be brought to the attention of the broader media (such as local community radios, newspapers, and TVs).
- The coming national election should be used as an opportunity to raise awareness on backyard issues. Candidates of all major parties should be targeted, not just the ruling party.

# 06

## Concluding comments

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**This research concludes that the governments of the City of Cape Town, and possibly the Western Cape Province, should do more to publicly recognise that backyard rental housing is indeed a sector in and of itself, and that many backyard tenants live in dire conditions, are often exploited and need to better understand their rights.**

**Government should also recognise that owners of backyard dwellings are often also socioeconomically disadvantaged and require support in order to adequately execute their responsibilities as landlords.**

In making such a recognition, government agencies should accept that they have specific responsibilities to help address the sector's challenges and needs.

The need for backyard tenants to unite, organise and advocate for themselves was strongly re-enforced in this report. While there are a few instances of organised groups that address backyarder issues, it appears that backyard tenants are quite isolated from each other. It is acknowledged, however, that a committee made up of backyard residents from different areas would probably require some specific resources and ongoing institutional support in order to be sustainable and successful. Advocacy should focus on objectives which government could

be reasonably expected to address with its available resources. However, government should be expected to partner closely with key stakeholders to explore possible solutions to the core challenges, even when they appear difficult to address under current regulatory, capacity or budgetary limitations.



**Pictured above:** Information session about the city's housing allocation policy in partnership with government officials.

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## Focus groups, interviews & workshop participants

### Focus groups and community workshops:

Backyard tenants and landlords, and community leaders from multiple neighbourhoods and associations, including:

- Maitland Garden Village,
- Eerste River,
- Bellville South,
- Manenberg,
- Mitchells Plain, including Lenteguer, Tafelsig, Lost City and Freedom Park
- Bluedowns,
- Bonteheuwel
- Faith and Hope

### Interviews and strategic discussions:

Melanie Johnson (*FedUp*)

Blessing Mancitshana (*Community Organisation Resource Centre*)

Ivan Turok (*Human Sciences Research Council*)

David Gardener (*Human Settlements Consultant*)

Zama Mgwatyu (*Development Action Group*)

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