

# BACKYARD DWELLER STRATEGY



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## 1. Introduction

The Constitution of South Africa that is stating that 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 realization of this right and no one may be evicted from their home or have their homes demolished without an order of a Court considering the relevant circumstances. The Housing Act No. 107 of 1997 is supplementing provincial, and municipal legislation, housing policies and housing programmes. The main objects of the Housing Act are to:

- a) provide for the facilitation of a sustainable housing development process;
- b) lay down general principles applicable to housing development in all spheres of government;
- c) define the functions of national, provincial and local governments in respect of housing development;

The functions are therefore laid out for municipalities in terms of the act which are to:

- a) Ensure that inhabitants have access to adequate housing;
- b) Remove unhealthy conditions;
- c) Provide services in respect of water sanitation, roads, storm water;
- d) Identify land for housing;
- e) Create conditions for housing development
- f) Initiate, plan, coordinate, facilitate, promote and enable housing development;  
and
- g) Provide bulk engineering services and revenue generating services.

Municipalities are facing several challenges in the human settlements environment in their pursuit to fulfil their function in terms of the Constitution and Housing Act No. 107 of 1997. One of these challenges is to address Backyard Dwelling which is a consequence of inadequate community participation, *secondary* rental housing market which is under developed in low cost areas and the constant growth in the low-cost housing market.

The waiting list of Saldanha Bay municipality is currently reflecting a figure of 9300 in April 2018 and these individuals or households are accommodated either in an informal structure in an informal area or a backyard dweller or is assisted by some other means.

It must be agreed that backyard dwelling is providing a solution to the increasing waiting list and is acting a secondary rental market where municipalities and private

landlords cannot provide assistance, but the challenge is that these rentals often is not given basic services and is exposed to all kinds of health and safety risks.

## **2. Current reality / Survey of the area**

Saldanha Bay Municipality initiated a backyard dweller survey in the area in May 2018 because of its important to understand the trends of back yarding as far as it is relating to tenure, safety and conditions of structures.

The survey that will be done will incorporate and provide information such as:

1. Duration of rental as backyarder;
2. Number of structures in an area;
3. Approved or illegal structures;
4. Construction of structure to determine the risks;
5. Whether the person is an applicant on waiting list and duration, to determine whether the person will be eligible for a subsidy;
6. Basic service provision;
7. Rental agreements;
8. Disabilities and age of individuals;

## **3. Backyard Structures and second dwellings on an erf**

Backyard dwelling has been taken place and is occurring on a formal and informal basis and the formal structures can be characterised as follows:

- a) Second dwelling on erf, flat
- b) Bachelors flats in yard

The challenge though with informal backyard dwelling is the fact that there is no approval of building plans, services are not provided to the tenants which lead to safety and health concerns.

## **4. Backyard dwelling in Saldanha Bay Municipal area**

The municipality at this stage does not have confirmed figures on back yard dwelling and once the survey is completed more relevant figures can be reported on. However, what has been noted in is that informal backyard dwelling is mainly taking place in the low-income areas with Vredenburg, Ward 2, 9, 13 and a portion of ward 10. See aerial map of these different ward concentrating on the high-risk areas. The town with the second highest concentration of backyard dwellings is Saldanha, Ward 1, 4 and 3. Langebaan area is exposed to the informal rental market and particularly in Ward 6 whereas Hopefield, St Helena Bay and Paternoster, although they also experiencing problems, are not that affected as in the case of the aforementioned locations.

It is crucial for the municipality to understand the backyard dweller market before we start implementing strategies, especially with the upgrade of infrastructure where many the backyard dwellers could be on the waiting list and be accommodated. There are several issues relating to backyard dwelling such as cases with landlord and tenants and if evicted the evictee is requesting support from municipalities.

Municipalities have a limited role to play in terms of backyard dwelling because of the fact that the properties are owned by private individuals and the rental amount is so low that people can afford it. In terms of the rental housing amendment act municipalities have a role to play in the resolving of contractual issues even private therefore we need to facilitate the processes. It is very seldom that these second dwellings are submitted for approval however we have a responsibility to provide basic services.

## **5. Backyard Dwellers Strategies to be implemented**

In lack of an understanding of the backyard dweller status in the municipality the following are proposed, with the provision that each ward will be treated differently based on their conditions:

- a. The municipality should mainstream beneficiary waiting list application processes, so that backyard dwellers register – however than municipality should ensure that these structures are not reoccupied;
  - i. The municipality conducted a survey in June 2018 and once analysed the non-registered households will be contacted to register on the Housing Needs Database
- b. Quota should be provided for backyard dweller when new housing projects are done in the municipality;
  - i. Action will be put to the quota system as part of housing development programmes.
- c. Appropriate zoning scheme parameters must be developed to accommodate second dwellings.
  - i. This will be investigated by the relevant department before implementation.
- d. The municipality to develop a range of building plans of different construction material compliant with the building regulations that could be obtained from the municipality to reduce the cost to the land owner.
  - i. This will be investigated by the relevant department before implementation.
- e. Amendment of integrated zoning schemes to automatically allow a second dwelling for specific residential uses; Relaxed building norms and standards for these areas where illegal back yard dwellings are erected;
- f. Provide technical support to backyard and landlords to assist in upgrading their rental units;
- g. Consider the positioning of houses on plots and the size of the plots to be reviewed;
- h. That the municipality from a building control perspective develop standards for temporary accommodation without impacting on the cost.

- i. Allow for a temporary use departure where after the structure should be either formalized, removed or in proven exceptional circumstances of financial need the period may be extended.
- j. The municipality to develop an incentive system to qualify for additional service connection and maintained service provision.
- k. The facilitation and encouragement of land owners to comply with the minimum standard and active policing and removal of non-compliant temporary structures.
- l. The construction of outside ablution facilities by landowner be investigated to ensure consistent access to services from backyard structures.
- m. The municipality to consider the implementation of second service meters, provided that a double subsidy to the landowner is not taking place. This will address the issue of illegal connections and improve services to tenants and the municipality will be able to provide separate bills.
  - i. **Electricity connections** : In most cases an additional connection to the backyard dweller mean that additional capacity need to be provided in the network. Many of the networks were designed for only 20 Ampere per erf. Additional mini-substations and LV network will be required. In all cases additional kiosk space is required and an additional service connection with the ready board or electrical installation. The above is not a cheap operation and sufficient funding meet to be secured for this. In addition, these users will most probably be low income users and will be using energy in block 1, which must be subsidised. This will have to come from the equitable share and discussion will have to be taken up with Finance Department input on how this will be funded in the budget.
  - ii. **Water and Sanitation** : Water will not be a problem as the existing erven will already have serviced connection points. The problem arises when additional toilets need to be installed for backyard dwellers, in some cases the existing sewer points might not be accessible or cannot be connected to due to conditions on site.
- n. Provide a single service connection in the backyard with a toilet, wash basin, mobile refuse bin and pre-paid electricity meter to the backyarder;
- o. Enable backyard households to access free basic services directly under municipal indigent policy;
  - i. This will be investigated by the relevant department before implementation.
- p. The creation of a standard rental contract provided with legally binding terms and conditions that are enforceable by the Municipality which is clearly articulating contractual rights and obligations provided for both tenants and landlords in the rental contract;
  - i. The municipality can facilitate a process to assist areas where challenges are experienced.
- q. Continuously devise indirect interventions to create an enabling environment and incentives for landlords to improve living conditions themselves;

The backyard dwellers are prone to a variety of risks that directly affect their everyday lives and wellbeing, but also have consequences for the longer-term development of

the whole community. These are commonly found in informal area as well and solutions need to be developed for these risks.