DEVELOPMENT OF AN APPROACH FOR THE RECOGNITION OF INFORMAL SETTLEMENTS AND TENURE IN SOUTH AFRICA WITH THE POTENTIAL FOR REGIONAL APPLICABILITY

City of Johannesburg Approach

December 2009

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Recognition of Informal Settlements

The City of Johannesburg has adopted an "Informal Settlement Formalisation and Upgrading Programme" following approval of a report to Council in April 2008

The approach and programme was influenced by a number of factors including:

- Mayoral support for intervening in informal settlements to address the unsanitary conditions;
- A trip to Brazil to learn about favelas, ZEIS zones and governmental approaches there
- A pro-active Development Planning and Urban Management department with a visionary leader at the time
- Political pressure to address the Millennium Development Goals

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Regularisation of Informal Settlements

The City of Johannesburg set out the following objectives of their approach as:

- To bring a level of security to residents within informal settlements other than the formal township establishment processes which are long and tedious;
- To include all settlements into an appropriate regulatory environment:
  - For safety and to stimulate individual investments
  - To create an environment conducive to investment by the state
- To fast track regularisation approach by providing interim recognition to occupants within informal settlements
- To achieve part of the overall MDG of eradicating informal settlements by 2014

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Recognition of Informal Settlements

The Informal Settlement Formalisation and Upgrade Programme embraces all informal settlements in the metro. However, a distinction is made between those settlements that will undergo formalisation and those that will undergo the interim procedure of regularisation.

Formalisation
The legal process whereby townships are established With formal services and Residents obtain formal Security of tenure (title) – Usually implies development Of top structures (RDP) houses.

Regularisation
An approach that recognizes Informal settlements and promotes Tenure security by including it in The City's legal framework (town Planning scheme) so that basic services Can be provided and the area can be Managed and improved over time

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The City's Housing Department is responsible for the formalisation projects and the City's Development Planning and Urban Management Department (DPUM) runs the regularisation programme. All municipal departments come together monthly in a Steering Committee.

All informal settlements (180) have been categorised into the following categories:

- Upgrading Projects
- Relocation Projects
- Regularisation Projects
- Programme linked settlements
- Settlements not linked to programmes or projects

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Recognition of Informal Settlements

The DPUM proceeded to develop an innovative Regularisation Approach and was assisted by Urban LandMark in this.

Summary of the Approach:

The approach uses the Town Planning Scheme to declare certain informal settlements as 'Transitional Residential Settlement Areas' thereby granting them a legal status which allows the city, the residents and private sector to invest, upgrade services, plan and manage the settlement. Additionally, it allows residents to have secure occupation rights and become recorded and integrated in municipal systems. It is an incremental approach which allows for continuing improvement of tenure, services, structures and land use management during that period between settlement and township establishment.

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Regularisation of Informal Settlements

The key mechanism of regularisation is the use of a TOWN PLANNING SCHEME AMENDMENT MECHANISM, which in essence is:

An amendment to all town planning schemes with applicable informal settlements was advertised to include a category called "Transitional Residential Settlement Areas"

The Amendment Scheme has two components:

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Recognition of Informal Settlements

1. It introduces and sets out the:
   – definitions
   – general conditions
   – town planning controls
   – administrative controls and requirements
   – method of applying for and the administrative processes to be followed

   in the identified "Transitional Residential Settlement Areas"

2. It listes each of the properties over which the above scheme would apply (hence incorporating them into the town planning scheme).

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A "Transitional Residential Settlement Area" is defined as *land upon which informal settlements are established by the occupation of land and provision of residential accommodation in the form of self-help structures and some ancillary non -residential uses*.

These areas, as defined by property identification, are regulated by a set of rules (in an Annexure to the Scheme) that include the:

– preparation of a layout plan and its incremental improvement
– identification of occupant
– Creation of a register
– Basic standards for upgrading and improvement
– Basic land use management and even law enforcement

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Regularisation of Informal Settlements

The Regularisation approach addresses the following elements:

- Vision
- Programme
- Business Plans for individual settlements
- Information on the site and the community
- Legal instrument for legal recognition
- Register/record
- Site/Layout Plan
- Tenure Evidence – occupation permits
- Land Use and building structures Regulation (height, building lines, coverage)
- Infrastructure Services
- Possible Local Land Office
- Joint community / municipal structures
- Integration into Municipal administration systems
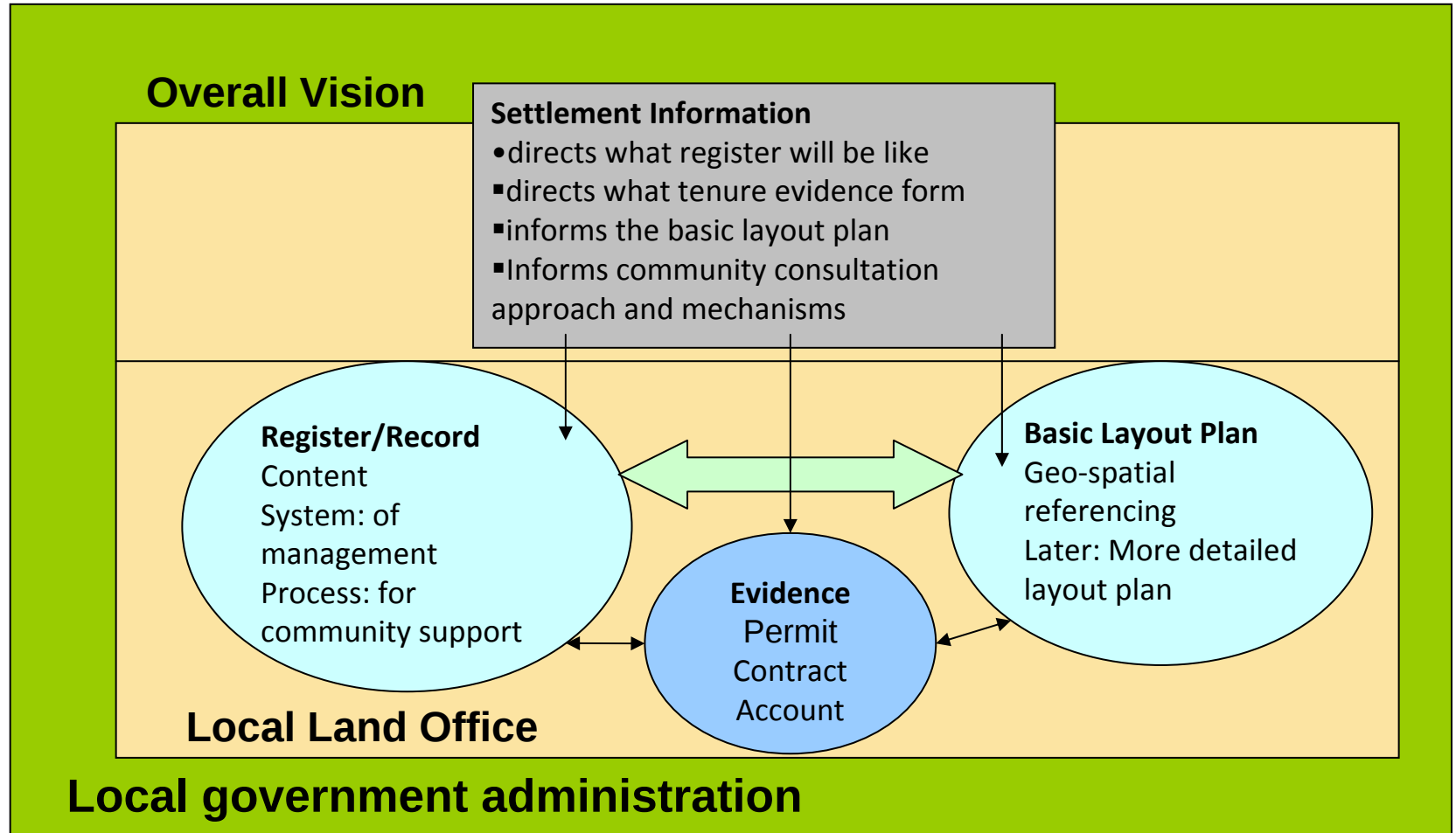
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Regularisation of Informal Settlements
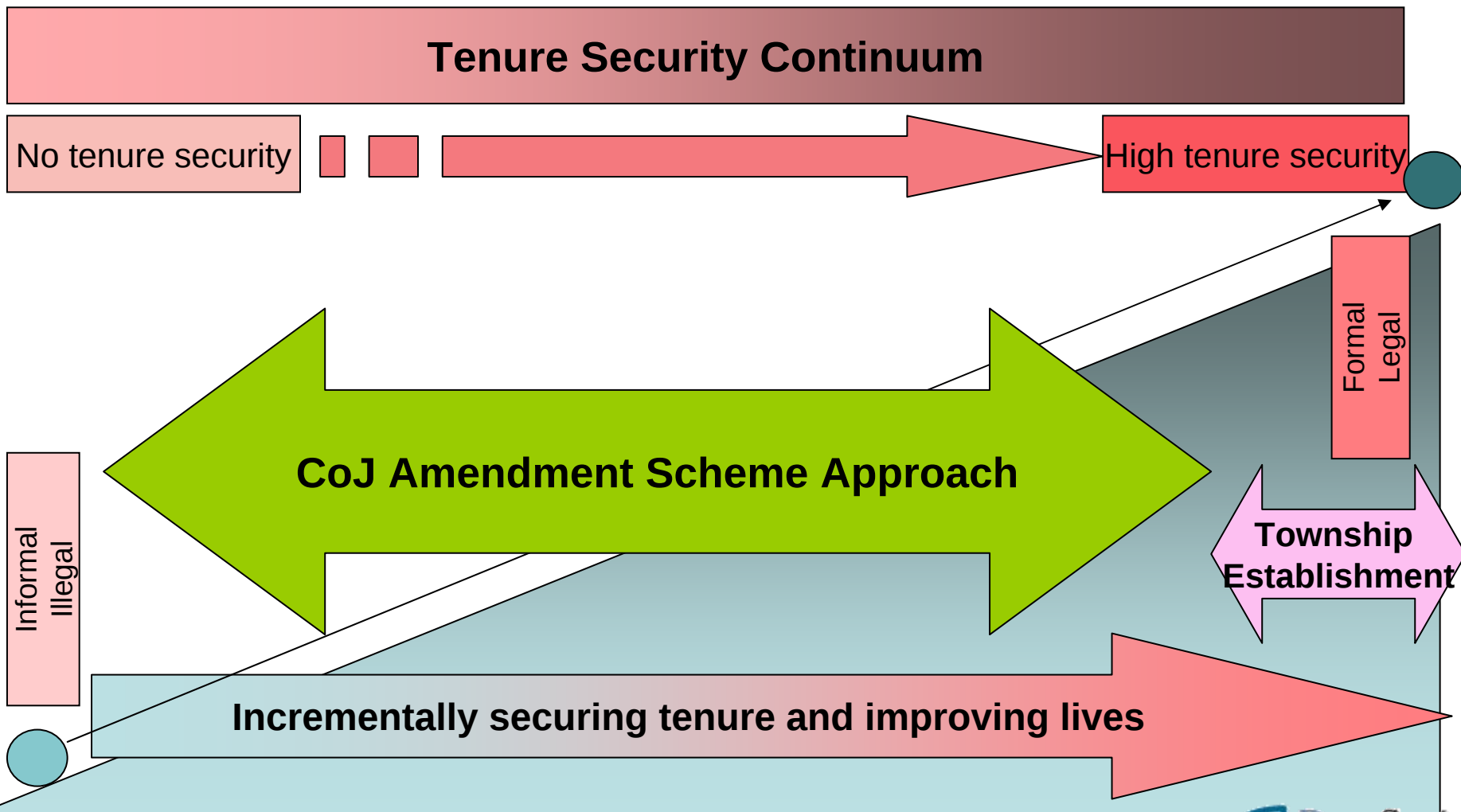
Conceptual diagram of elements of the approach

Placing the CoJ Approach in the Tenure Continuum

Tenure Security Continuum

No tenure security

High tenure security

CoJ Amendment Scheme Approach

Informal Illegal

Formal Legal

Township Establishment

Incrementally securing tenure and improving lives

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Regularisation of Informal Settlements

CoJ Implementation Aspects

While the legal basis is provided by the TPS Amendment, the nuts and bolts of how to recognise residents, ensure security, record occupants and their rights and introduce land use management, legally improve services and incorporate settlements cadastrally and administratively into the municipality, require a range of planning and administrative implementation tools

The DPUM has been developing these over a number of months, with inputs from many departments and Urban LandMark and currently are proposing the following:

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Regularisation of Informal Settlements

1. **Providing Cadastral Certainty:**

- **Use an aerial photograph and map all shelters with their uses (residential/tavern/creche, etc) by:-**
  - Dividing the settlement into pockets for easy reference/numbering
  - By allocating a GPS coordinate to each structure
  - Registering land use per numbered structure

- **Do this in consultation with the local community**
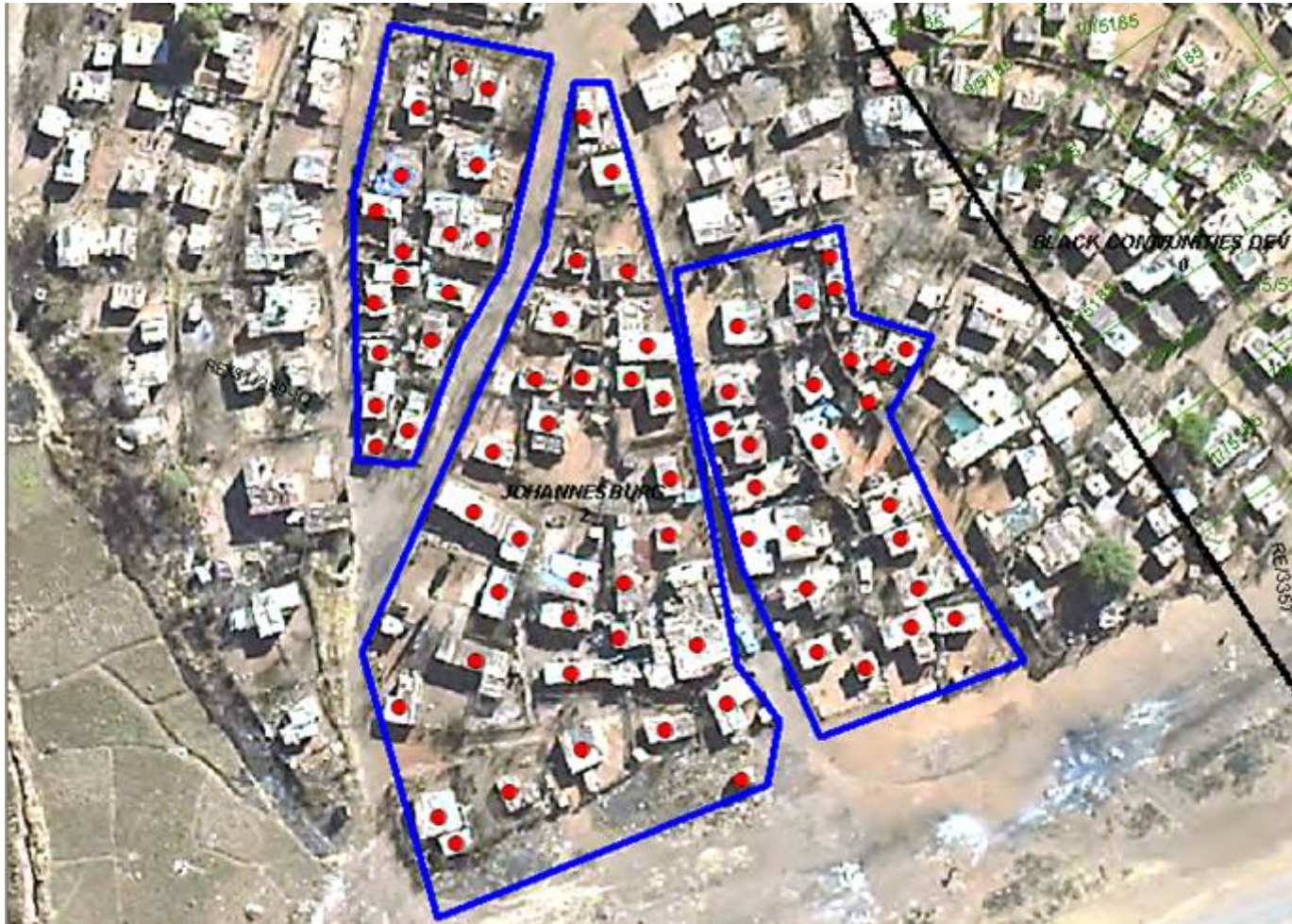
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- It could be possible to record some additional information of the occupants in a register linked to this map/register

Attribute Data (Info attached to point)
- Ref Code: TOIR 6542 888 0000000030001000 **0000**
- Owner Name
- Owner ID
- Occupation Date
- Number of Occupants
- Other developmental information
- The reference code can be utilised by utilities to link services

- This basic information can be captured by CGIS and could be accessible via maps-on-line – use polygons (see next slide)

- This information could be added to the Land Information System

- A physical address (can be group address initially) can be created for each shelter
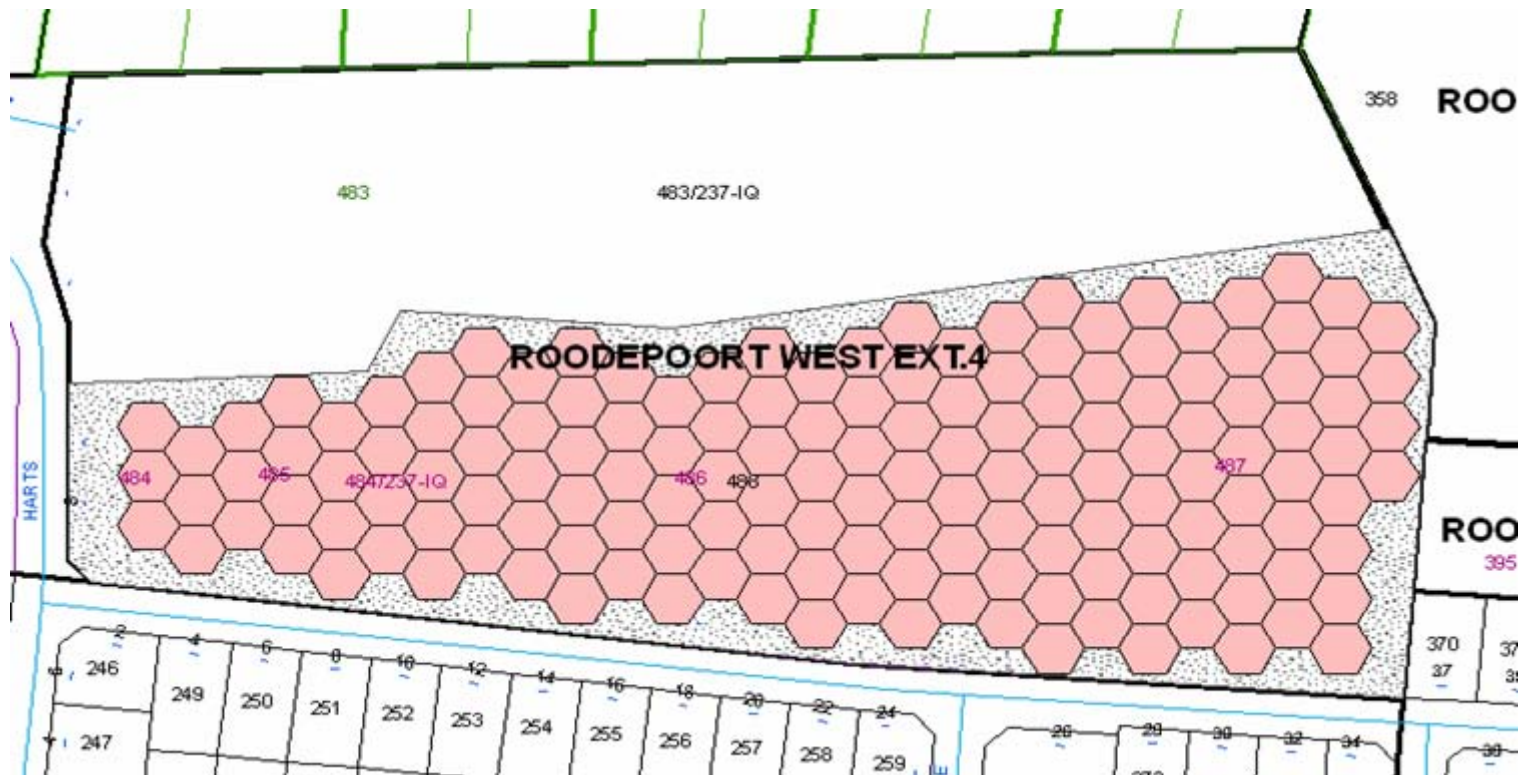
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Using polygons to attach information on occupants and record this in the Land Information System

Regularisation of Informal Settlements

2. **Ensuring inclusion into City Administration Systems:**

   Each registered shelter with a physical address could be incorporated into the City's billing system

   - Not necessarily to bill the occupants
   - But to issue them with a rates account that is proof of their existence as a City Citizen, with a recognised address

3. **Improvement of infrastructure** services: the cadastral entity and the basic layout plan allows service departments to plan and budget for services provision and/or upgrading

4. **Recording of Occupants:** This is achieved in consultation with the occupants. The City needs to have records that can be integrated into the municipal administration systems

Regularisation of Informal Settlements

The Benefits that DPUM sees of this approach:

- Being registered on the City's billing system makes the occupant a City Citizen
- Besides making occupants responsible residents, it may contribute to dignity and belonging
- It may enable such residents to contract (open bank accounts/ obtain a postal address/ enter into a cell phone contracts, etc.)
- Occupants may use this proof of residence to gain access to municipal services
- These benefits may contribute to a system that will maintain itself

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Benefits Continued.

- The system may provide a formal basis to grant the Head of a Household the right to occupy a shelter with an identified plot, by the Council.

- The system will assist the City to manage compliance with the "rules and regulations" of the settlement e.g. land use rules, avoidance of disturbances to neighbours – i.e. the usual rules and regulations that apply to any formal suburb.

- The system may create the opportunity to permit "ownership" transfer.

- The system may assist service entities to determine usage per address

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Key Success Factors of the CoJ Approach

Political buy in – has support from highest level in Council to champion the approach and support a Programme

Programme Approach – not just ad hoc project by project basis

Innovation within Existing Systems – officials have applied their knowledge of existing systems to new challenges and hence been innovative with what they know well

Commitment from officials – Have dedicated officials that champion, innovate and implement the Programme

Institutional home – Has a high profile home and located in the Planning Department so it is not perceived as a 'housing' programme

Multi-disciplinary team – the Steering Committee has a range of skills that come together around problems.

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Regularisation of Informal Settlements

Pic of IS

Pic of officials

The Challenge

CoJ officials collaborating on the solutions

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