

EXECUTIVE SUMMARY

Land Use Management and Democratic Governance in the City of Johannesburg

Case Study: Hillbrow

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1. BACKGROUND

Hillbrow and Berea were established in the 1890s as predominantly residential (white) neighbourhoods, and consisted mainly of detached houses for middle class workers (Morris 1999, Schmidt 2004).

By the late Twenties Hillbrow's position between the city centre and the northern suburbs made it particularly attractive to property speculators (Schmidt 2004). Soon low-rise detached houses were being pulled down to make way for three- and four-storey flat blocks intended for rental tenure. The removal of height restrictions in 1947 prompted a building boom and paved the way for eight- to ten-storey apartment blocks, influenced by modern architectural icons such as Le Corbusier and Oscar Niemeyer.

In the 1960s and 1970s, Hillbrow was known for its 'café society' culture including late-night book and music stores, and entertainment venues. Its cosmopolitan population included young white South Africans as well as European immigrants who had been attracted by South Africa's good economic conditions.

Berea, in contrast, retained a more residential character with fewer shops and entertainment venues, but with more parks, religious buildings and schools. The overall density of Berea remains lower than Hillbrow, because a number of the original semi-detached properties still exist.

Up until the 1970s, the Group Areas Act ensured that all tenants in the area were white. By the late 1970s, the white largely middle-class population (of Hillbrow in particular) began to leave the area, creating high vacancy levels where there was a lot of housing stock. At the same time, a severe housing shortage was being experienced in coloured, Indian and black areas. In defiance of the Group Areas Act, [initially middle-class] coloured and Indian residents began to move into the

area; this was followed in the 1980s by black residents. This transition is known as the 'greying' of Hillbrow.

The 'greying' went hand-in-hand with a number of processes including capital flight from Hillbrow; and massive rent hikes from unscrupulous landlords (who exploited the illegal status of their non-white tenants). These unaffordable rents led to practices like sub-letting and overcrowding, all of which contributed to a strain on existing building services.

The absence of land management created gaps – providing accommodation for those marginalised by the City – but also creating space for crime such as drug trafficking and prostitution. The crime – real and perceived – led to further flight from the area, including the withdrawal of many large formal enterprises, leaving retail and service provision to smaller shops and street traders.

In the 1990s, a new wave of immigrants arrived in Hillbrow/Berea from other African countries, contributing to an increasingly heterogenous population – and one that is constantly in flux. Because so little investment has flowed into the area since the 1970s, the area's physical form and building bulk have remained largely unchanged since then.

2. RESEARCH METHODS

The study utilises both a macro perspective and a micro perspective to gain an understanding of issues operating in the area.

The macro perspective was informed by:

- Analysis of existing material including research reports and maps;
- Fieldwork in the area;
- New mappings; and
- Interviews with key individuals or agencies with knowledge of land management practices or knowledge of the study area.

The micro analysis was intended to focus on two buildings – a 'good building' and a 'bad building' – based on illustrations of the buildings and interviews with key stakeholders associated with the buildings. While it proved easy to communicate with owners and tenants of 'good' buildings, it proved impossible to trace the owners of 'bad' buildings; the study therefore relies on secondary sources to construct information about the so-called 'bad' buildings, namely San Jose in Olivia Street, Berea, and five problematic Section Title buildings in Caroline Street, Hillbrow.

3. ADMINISTRATIVE PERSPECTIVES

The area falls within Region F of the City of Johannesburg and previously fell into Region 8. For the purposes of this report the study area has been defined as the area encompassed by Hospital Street/Clarendon Circle to the west, Empire Road/Louis Botha Avenue in the north, Joe Slovo Drive in the east and Saratoga Avenue/Smit Street in the south.

The initial Municipal structures post-1994 saw the City arranged into four metropolitan sub-structures, with the inner city straddling three of these. This severely impacted on the Municipality's ability to maintain a level of administrative and maintenance control over the inner city. The fragmentation led to confusion and contributed to further decline in the area, including lack of enforcement of building standards and regulations and Municipal health and safety by-laws. This was accompanied by the Municipality's inability to manage the billing or collection of fees or to budget for non-payment, again contributing to a worsening of the situation.

In 2002, after the reorganisation of the Greater Johannesburg Metropolitan Council into 11 administrative regions, an Inner City Task Team was established to deal with day-to-day management in the area. Later, aspects of the regeneration of the area were allocated to the Johannesburg Property Company (JPC), Johannesburg Development Agency (JDA), housing companies and the private sector. An Inner City Programme Manager has been appointed to coordinate and manage the various programmes and stakeholders.

Other City-wide and inner city-specific planning strategies/programmes that will impact on the area include:

- The **Growth and Development Strategy** (GDS) – a long-term strategy for promoting growth and poverty reduction in Johannesburg;
- **Joburg 2030** – an investment and economic growth plan promoting Johannesburg as a 'world class city';
- The **Human Development Strategy** (HDS) – addressing concerns about poverty, inequity and exclusion;
- The **Johannesburg Integrated Development Plan** (IDP) – which identifies the inner city as a priority area for regeneration as a prime business location;
- The **Inner City Regeneration Strategy** – to create an inner city that would "raise and sustain private investment leading to a steady rise in property values";
- The **Urban Development Zone** initiative – providing tax relief to private developers willing to invest in inner city areas;

- The **Regional Spatial Development Framework (RSDF) for Region 8** – approved in 2003 and updated on an annual basis, the RSDF's main goals for this region are to:
 - Create an efficient transport system.
 - Create an efficient urban structure.
 - Integrated and sustainable urban structure.
 - Economic regeneration.
- The **Proposed Housing Action Plan for Inner City** was outline in May 2007, setting out a vision and action plan for the inner city, including the provision of mixed-income, inclusionary housing and mixed-use suburbs around the CBD.
- A **Draft Inner City Charter** was also presented in 2007, bringing together all the various strategies and programmes to establish the way forward for managing the inner city.

Further management mechanisms applied by the Municipality include:

- Town Planning and Townships Ordinance 15 of 1986
- The Gauteng Planning and Development Act 3 of 2003
- The Development Facilitation Act No. 67 of 1995
- Johannesburg Town Planning Scheme, 1979
- Johannesburg City Council By-Laws

4. ACCESS TO LAND

There are several processes for acquiring residential property in the study area:

- **Buying a whole building on the market.** Transactions of this nature usually conform to conventional sale/purchase processes and involve the seller, the buyer and the Municipality. Problems can arise if there are unresolved issues with the [building and the] Council such as:
 - No existing or current valuation of the property;
 - Outstanding rates, refuse and service charges owing on the property.
- Acquiring a building through the **Better Buildings Programme.** This was an initiative of the Inner City Office aimed at attracting private sector investment to refurbish 'bad' or poorly managed buildings. The understanding was that such upgraded buildings would be rented out at an affordable rate. This programme has also encountered obstacles with various Council issues such as clearance certificates.
- **Occupying a building or 'hijacking' a building.** This occurs either through an evolutionary process, where residents attempt to take control of a building in the absence of management; or indicates active 'invasions' of

run-down buildings where management is absent or weak. The latter situation involves a 'hijacker' who usually intimidates residents into paying rent, which he then pockets; alternately, slumlords operate similar structures where there is no building management or maintenance provided, and only a nominal amount of monies are passed over to the City.

- **Buying a flat through the Sectional Titles Scheme.** This type of property ownership was introduced to South Africa in 1971. In terms of the Sectional Title Act, owners establish a Body Corporate that effectively functions as the building's manager (or appoints a managing agent). Despite a number of Sectional Title blocks in Hillbrow, the area is dominated by rental accommodation – i.e. tenants renting (or sub-letting) Sectional Title flats from the owners. Sectional Title units continue to be sold, but present significant problems for management/maintenance and sale/resale of buildings.
- **Renting a flat.** The majority of residents in Hillbrow/Berea are renters. This includes legal tenants, and illegal African migrants who live in the area. There are a variety of rental options in the area, from flats in single-owner buildings and in Sectional Title buildings to rooms in residential hotels, communal housing developments and transitional housing developments. A flat with private cooking and ablution facilities goes from about R1 500 to R2 000 per month; rooms with shared facilities start at about R700 per month.
- **Renting a portion of a flat or room.** Because rentals are relatively high (and deposits can be up to four times the monthly rental), it is common for flats and rooms to be sub-let in order to share costs. While this makes accommodation more affordable, it can lead to overcrowding, strain on building resources and abuse of the landlord-tenant system, especially with vulnerable tenants like illegal foreign immigrants.

5. KEY ISSUES

Density

Hillbrow/Berea is one of the highest-density urban areas in the world, with 135 000 people living in just under 2km² (67 500 people per square kilometre) – to put this into perspective, Hong Kong, reputed to have one of the highest densities in the world, only has 25 000 people per square kilometre in its most dense areas.

High densities are not inevitably problematic. They can offer residents and the Municipality advantages in providing a high enough residential threshold to support retail, public transport and infrastructural facilities. However, if they are badly managed high densities can contribute to the spread of disease and other hazards like fire. Even one badly managed building can have a knock-on effect on its

neighbours, for example if an overloaded sewage system overflows onto the adjoining properties.

To ensure these high density high-rise dwellings are able to function well, there needs to be sophisticated, stable infrastructures, building management and supply of municipal services – all of which are currently inadequate or inconsistently supplied in the study area.

Public Space

The high densities of accommodation in the area make the provision of public and/or community spaces essential – these include play areas, parks, and areas for community or religious gatherings such as churches or social groups. Currently there is a lack of leisure space in the study area. Small-scale (but costly) Residential Improvement Districts are being managed, funded by the private sector (building owners), but these tend to focus on issues of security and services like waste management.

Child Care

There is a significant shortage of childcare facilities in the study area, for learners of all ages but particularly pre-schoolers. Strict municipal requirements make registration of crèches difficult, and buildings generally do not want unregistered crèches operating on their premises. Working mothers are faced with the option of leaving their children in another area ('at home', with family members), or paying an older woman in the area to look after her child. In cases where mothers are engaged in illegal activities such as prostitution, such child minders are known to charge exorbitant fees for looking after children should the mother get arrested – even 'selling' young girls into the sex trade to pay for a mother's debt.

Gentrification & Affordability

Gentrification has been actively encouraged by the City through various inner city regeneration initiatives. This has further advantages for the Municipality, which increases its rates base. While a significant amount of irreplaceable building stock has been rescued through this process, the effect of regeneration has been displacement of the poor. This has either taken place through the quiet operation of the market – people who are unable to afford increased rentals move to alternative accommodation – or through the more visible process of evictions.

Another factor is that the growth in building prices in the last four years has outstripped the growth in rentals. Higher property entry levels and high bond interest rates have further reduced the returns investors can expect to get from 'good' (refurbished and well-managed) buildings. The resulting increase in rentals results in housing that is only affordable for middle-income individuals or families, or further contributes to the trend of sub-tenancy; the other outcome is the continuation of slumlord practices, whereby slightly lower (but still high, by market

standards) rentals are charged in 'bad' or poorly managed buildings, without any of the reciprocal services, infrastructure or facilities provided in the 'good' buildings.

Crime

Crime is a serious problem in the Hillbrow/Berea area. Criminal activities include: drug trafficking, prostitution and corruption (such as the 419 scam); violent crime is also prevalent, particularly against vulnerable groups like women – such as rape, sexual assault and domestic violence – and (illegal) foreigners, who are disproportionately victims of crime probably because they are less likely to complain to the authorities.

There are real and perceived links between the area's 'bad' buildings and its criminal activity – the bad buildings, or 'sinkholes' in the Municipal terminology, are seen as launch pads for crime, despite the fact most of the residents in such buildings are not criminals, and go out of their way to avoid contact with criminal elements. The absence of social (leisure) facilities, and the associated poor 'social fabric', means residents often have a tenuous connection to the area (many do not think of it as 'home'), and to other residents or communities in the area. Frustration with the slow pace of change post-democracy is also cited as a factor contributing to this area's tense social dynamic.

Law enforcement in the inner city has been fragmented and ineffectual in the past – whether dealing with criminal activities, or by-law infringements.

New strategies to deal with the volume and variety of offences committed in the area include the creation of separate 'action groups' – a 'street' group to deal with traffic, waste management, street trading, the Provincial housing department and the police services; infringements would include things like parking violations, abandoned vehicles, littering, illegal dumping, illegal advertising, illegal street trading, searching of people and so on (Memeza); and a 'buildings' group focusing on buildings that have been designated as problematic either because they are in a bad state, overcrowded or fail to comply with building regulations. This group consists of fire, health, building control, land use enforcement, Gauteng housing department and SAPS. Role players clearly indicate that "addressing crime [in itself] is not sufficient", and that effective law enforcement requires a multi-pronged approach involving the participation of several agencies including the SAPS, the Department of Home Affairs, Joburg Water, City Power, the JMPD, etc.

Service Delivery

Complaints that "the one hand [of the Municipality] does not know what the other hand is doing" are common; in addition to poor communication between or within Municipal departments, there is confusion regarding mandates and lines of authority. Multiple units within the Council are responsible for different aspects of a

single land management problem, which frequently results in neither unit addressing or resolving the problem.

One of the notable problems related to service delivery experience in the area has to do with the collection of litter and solid waste, both to some extent the responsibilities of Pikitup and the Environmental Health Department of the City. Pikitup is responsible for daily cleaning of the streets in Hillbrow and Berea – however elements like informal food trading on the sidewalks, and insufficient waste bins (in retail outlets as well as residential buildings) mean litter accumulates as quickly as Pikitup can remove it. A substantial amount of littering occurs in lanes between adjacent properties, which have been privatised by the property owners, as well as in the private yards of buildings and on vacant private property. Pikitup is not able to access these sites without instruction from the Environmental Health Department, whose calendar and resources are not coordinated with those of Pikitup. As a result, such clearing [of private property] is undertaken in reaction to complaints and not as a routine activity.

Relationships with the City

There is a deep lack of engagement with civil society, by the City, in the various planning and strategic processes designed to impact on the Hillbrow/Berea area. Research has identified a large number of civil society groupings active in the area, albeit in a somewhat fragmented way. These groups were not involved in the drafting of the Inner City Charter in 2007. Moreover, they are groupings that have not come forward or been attracted to City processes as an organised voice.

In 2003, community organisations in the area prepared a Hillbrow/Berea Regeneration initiative document that was presented to Council... and generally ignored, with the exception of the establishment of a People's Centre at Highpoint. A year later, the city approached the same organisations to provide input into the City's 2003 IDP, which was felt (by community organisers) to be 'participation for the sake of it' rather than meaningful engagement with community stakeholders. No participatory initiative that draws issues upwards from the grassroots of community life and organisations has been established in the area. This leaves City planning processes at great distance from the communities they are intended to serve.

6. FINDINGS

- The Hillbrow/Berea area requires high levels of management and enforcement of building and land use control. The consequences of non-management in such a high building density and high population environment are potentially catastrophic. The risk of not containing one problem is that, in the jargon of the City, a 'sinkhole' develops and spreads very quickly.

- The City's dual focus – on economic growth and pro-poor interventions – compete for the same resources (namely, building stock) in the Hillbrow/Berea area. Pro-poor commitments therefore need to be accompanied by strong political will to ensure delivery.
- Municipal officials are overwhelmed (and disabled) by the enormous number of policies and strategies from the city and other levels of the State.
- In contrast to the CBD, there are no flagship investment projects – which signal investment confidence and political commitment – planned for the study area. The absence of 'big plans' has, unfortunately, not made way for any 'small plans' or incremental interventions. Outside of privately managed RID precincts, little attention is given to the public environment. This situation should change as R100 million has been earmarked for environmental upgrading in the area.
- Slumlords wield the greatest power in the study area – they have the most to gain from the continued absence of land management, keeping the area in decline. The absence of tight urban management has created a space in which unscrupulous landlords are able to extract rentals from people, to permit overcrowding of buildings and recoup large profits. At the same time these buildings contribute to neighbourhood decline, loss of building stock and deplorable social and health conditions. The City does not appear to have a concerted approach to deal with the issue of slum lording, and there are few sanctions that can be imposed against slumlords.
- Hillbrow and Berea lack social and recreational facilities. The failure to provide adequately for the social and recreational needs of this dense urban population represents a vast gap in urban management and a failure of the City. There are extremely few social facilities, educational facilities and structures for civic engagement in the area. In an area where private space is at such a premium, the need for well-managed public space and good quality public environments is most pronounced.
- The lack of childcare facilities is also enormously problematic in this area and inadequate informal facilities have filled the gap. Early Childhood Development, a cornerstone of the City's Human Development Strategy is not being realised in this area at all. Neither private nor public facilities for ECD are being established, however. After-care facilities are equally absent and young people in the study area are as a result particularly vulnerable to the illicit activities and dangers of street life in this area.
- Partnerships between the City and private developers have been effective in refurbishing a number of buildings and contributed to a buoyant property

market in the study area. The continuation of such efforts is important; these efforts, however, should be complemented by a campaign on the part of the City to secure buildings for low-income people, creating a mixed-income, well-managed neighbourhood.

- Communication between the City and residents of Hillbrow/Berea is too 'top-down'; the few selective consultations also tend to exclude non-resident users of the area such as informal traders. This communications gap is a crucial problem for the City: strategies may be insensitive to the needs of the communities they are intended to serve and the chance of support for implementation from communities is low.