

# **THE FOUR TOWNSHIPS SURVEY (4TS)**

**Chesterville, KwaMashu,**

**Phoenix and Umlazi**

**A STUDY UNDERTAKEN BY THE  
ORGANISATION OF CIVIC RIGHTS  
Sayed-Iqbal Mohamed**

## **Understanding the Historical Context of the Four Townships**

The townships surveyed were all part of the then Durban City Council (DCC) and later the national apartheid government's urban racial segregationist planning of urban spaces. This policy of racial segregation guaranteed the political and economic power of the white minority and increased the poverty of the township residents. We discuss very briefly some aspects of the creation of the townships under study.

Umlazi was built on land within KwaZulu-Natal while KwaMashu was developed as a relocation "camp" but was eventually incorporated in 1977 into KwaZulu-Natal.

In the mid 1980s, by proclaiming urban boundaries, the Durban City Council manipulated and directed the process of urban exclusion and stratification of Africans. The DCC was able to make the residents of Umlazi and KwaMashu "outsiders" and threatened residents of Chesterville and Lamontville with relocation.

It was in 1949 that the DCC acquired the power to relocate and to demolish shack settlements that emerged in the 1920s. Shacks were built by Africans in response to squalid and deteriorating conditions in African reserves, legislation preventing land ownership, minimal housing and job opportunities (cheap labour) created by industrial expansion.



### ***KwaMashu***

KwaMashu is situated 25km north west of Durban. It was built on sugar cane plantations that were bought from Messrs. Natal Estates Ltd. Sir Marshall Campbell was the founder of the company and a well known public figure. The area was therefore referred to as the “Place of Marshall” (KwaMashu).

The first families moved into KwaMashu in 1958, the area then being administered by the department of Bantu Administration. In 1977, the KwaZulu government took over the administration and control of the area.

KwaMashu is described as a middle income suburb with a population estimate of 500 000. There are 11 units.

Population estimate	500 000
Location from the city of Durban	25km north west of Durban
No. of units	11
Area size	

### **Introduction**

The OCR has conducted many surveys since its inception, all in the inner city of Durban, covering group areas (racist) evictions (1984–1991), crime surveys (up to 2000), homeless (1990-1997) and rental / tenant surveys. This is the first survey undertaken by the OCR of the “townships”.

Rental surveys have provided invaluable information to the OCR to gain a better understanding of the tenants situation and profile of tenant-landlord relationships. It has also helped the OCR to lobby the different tiers of government to improve legislation to change the feudalistic tenant-landlord system in a country where approximately 22% of South Africans live in rental accommodation.

The Four Townships Survey (4TS) provides a glimpse of the socio-economic conditions affecting the tenants interviewed by the Organisation of Civic Rights (OCR).

Thirteen percent of the individual respondents and 15% of households showed an income below or around the poverty line. If one were to consider rentals, household and other expenses, then 75% of individual respondents and 74% of households surveyed fell in between the poverty line.

The above trend appears to be consistent with studies on poverty. According to the Child Poverty Monitor, a recent survey by Idasa, revealed that nearly 20 million children live in poverty (Hammond, 2002). This means that 76 children out of every 100 live in poverty countrywide: 80% in KwaZulu Natal, 88.4% in Eastern Cape, 84.3% in Limpopo, Western Cape 46.8% and Gauteng 55.4%.

While our study focused on tenants and matters relating to tenant-landlord relationships, we were also interested in how tenants were coping within the dynamics of the socio-economic changes. After all, tenants do not have a choice in where and when they can rent. Less still, under what conditions they can live – both physical as well as terms imposed by landlords within a very much “feudalistic” system. Their choice or opportunities would increase with positive changes in the standard of living.

	<b>Individual Respondents</b>	<b>Households</b>
Poverty Line	13%	15%
Around Poverty Line	62%	59%
In Between	75%	74%

## **Methodology**

The OCR conducted a survey among tenants in four “townships” in May 2002 in the Ethekwini Municipality (Durban). A team of five interviewers were selected and properly briefed of the aims and objectives of the rental housing survey.

The interviewers were all Africans, headed by Adam Mncanywa, an executive member of the OCR. The ethnic reference to the interviewers in the South African context is significant in at least two respects: - Phoenix is predominantly an “Indian” area and the interviewers were apprehensive about the response from this area to African interviewers. However, the interviewers were well received and the respondents were uninhibited in their responses. Only one respondent telephoned the OCR to confirm that the OCR was conducting a rental housing survey.

The other three areas are predominantly populated by Africans. In one of the areas the interviewers were required to “negotiate” with street gangs to gain access into the area. The interviewers got “clearance” when the gangs were satisfied with the reason given by the interviewers.

Each interview was conducted on a one-to-one basis, between the interviewer and the respondent. The respondent was required to answer 28 questions that included sub-questions. Almost all questions were close-ended and included questions that required personal information such as income, level of education and occupation. The interviewer administered the questionnaire and filled in the responses.

## Data

A total of 403 households were interviewed, approximately 100 households selected at random in each “township”: Chesterville, KwaMashu, Phoenix and Umlazi. Data was analysed by using the SPSS programme. Data had to be re-grouped for ease of discussion and represents information on the distribution of income, education levels, occupation, rentals, conditions of dwellings, type of dwellings and other tenant-landlord related matters.

## Data Analysis / Discussion

The OCR wanted to establish a profile of tenants by looking at the relationship between landlords and tenants and the conditions under which tenants live as well as their socio-economic circumstances.

### Employment

The table below show that 60.8% are unemployed and 39.2% employed. Phoenix had the highest number of respondents unemployed (71%), followed by Chesterville (64%), KwaMashu (56%) and Umlazi (54%). Umlazi on the other hand showed 47% as being employed, followed by KwaMashu (44%), Chesterville (38%) and Phoenix (29%).

*Table 1*

<b>% Presently Employed</b>	<b>Chesterville</b>	<b>KwaMashu</b>	<b>Phoenix</b>	<b>Umlazi</b>	<b>Total</b>
<b>Yes</b>	38	44	29	47	39.2
<b>No</b>	64	56	71	54	60.8

When compared to previous employment, while 64% in Chesterville are presently unemployed, 90.2% were previously unemployed. In Umlazi, 54% are presently employed compared to 83.2% previously unemployed. KwaMashu showed 56% not in employment compared to 68% previously, Phoenix 71% presently unemployed in comparison to 50% previously.

**Table 2**

<b>% Previously Employed</b>	<b>Chesterville</b>	<b>KwaMashu</b>	<b>Phoenix</b>	<b>Umlazi</b>	<b>Total</b>
<b>Yes</b>	9.8	31	45	16.8	25.6
<b>No</b>	90.2	68	50	83.2	73

It is possible that self-employment has contributed to the reverse trend in KwaMashu, Umlazi and Chesterville. This assumption is supported to some extent by the occupation of the tenants (see table below). Six respondents indicated self-employment in Phoenix, 9 in Chesterville, 14 in Umlazi and 20 in KwaMashu. However, our sample size was very small and only a section was surveyed in each township. The trend may differ in other sections or units in the same township and between townships. Further investigation is required to make sense of the major change in Chesterville from 90.2% previously unemployed to presently unemployed 64%. Phoenix on the other hand shows a reverse trend with more people unemployed presently.

**Table 3: Occupational Grouping of Tenants:  
Chesterville, KwaMashu, Phoenix & Umlazi**

Artisan	88
Self Employed	55
Sales Worker	10
Technician	1
Construction	8
Educationist	2
Pensioner	60
Unemployed	41
Social Worker	1
Service Workers	31
Civil Servant	3
Security Services	12
Administration / Clerical	14
Transport Worker	26
Medical Profession	1
Other	2
No Response	48
<b>Total</b>	<b>403</b>

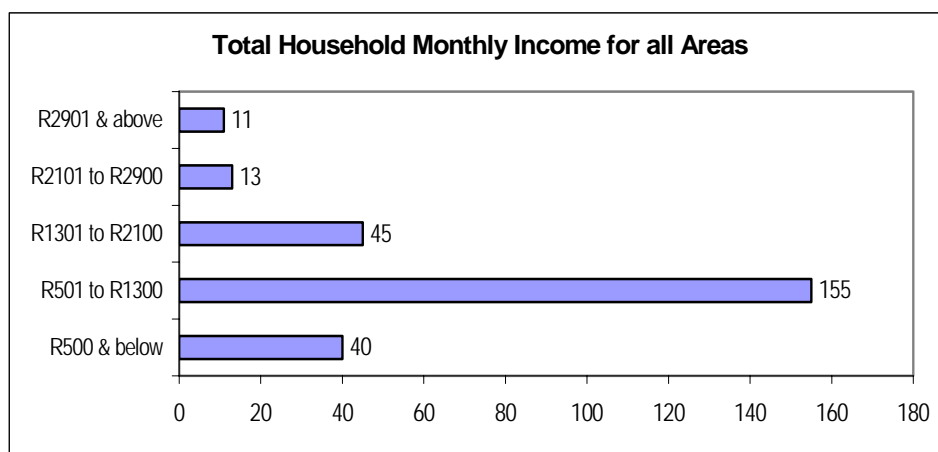
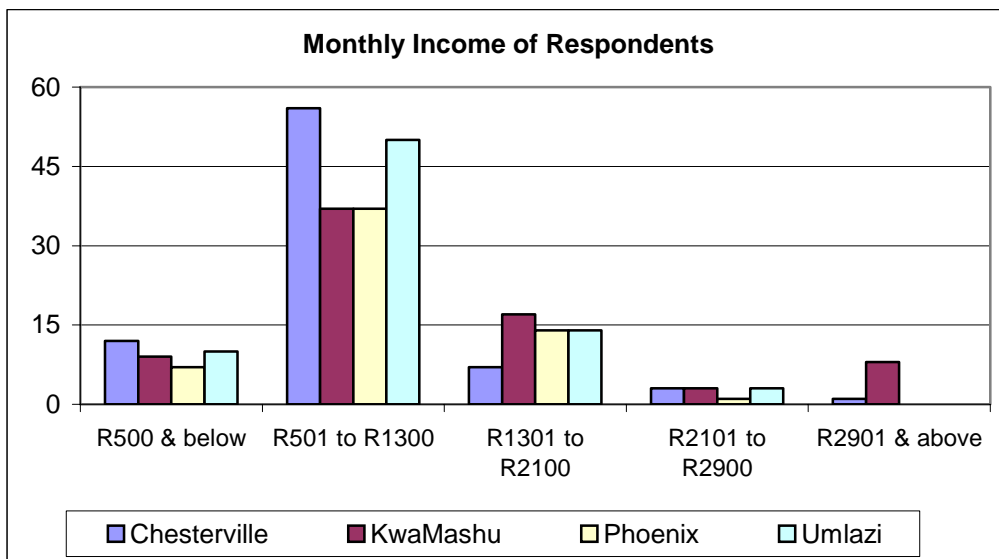
Occupation, employment and qualification show a significant difference between townships. KwaMashu appears to have more respondents in employment and previously employed as well as more professionals and affluent people than the other three townships surveyed. This seems consistent with the view that KwaMashu is a middle income suburb.

#### **Income of Individual Respondents**

Most respondents' income (180) per month were between R501 and R1300. Thirty eight received an income of R500 or less; 52 between R1301 and R2100, seventeen of whom were in KwaMashu, 14 each in Phoenix and Umlazi and 7 in Chesterville. Of the total of 19 who received more than R2100, eleven were in KwaMashu, 4 in Chesterville, 3 in Umlazi and 1 in Phoenix.

**Table 4 : Income of Individual Respondents**

<b>Income Categories</b>	<b>Chesterville</b>	<b>KwaMashu</b>	<b>Phoenix</b>	<b>Umlazi</b>	<b>Total</b>
<i>R500 &amp; below</i>	12	9	7	10	<b>38</b>
<i>R501 to R1300</i>	56	37	37	50	<b>180</b>
<i>R1301 to R2100</i>	7	17	14	14	<b>52</b>
<i>R2101 to R2900</i>	3	3	1	3	<b>10</b>
<i>R2901 &amp; above</i>	1	8	0	0	<b>9</b>

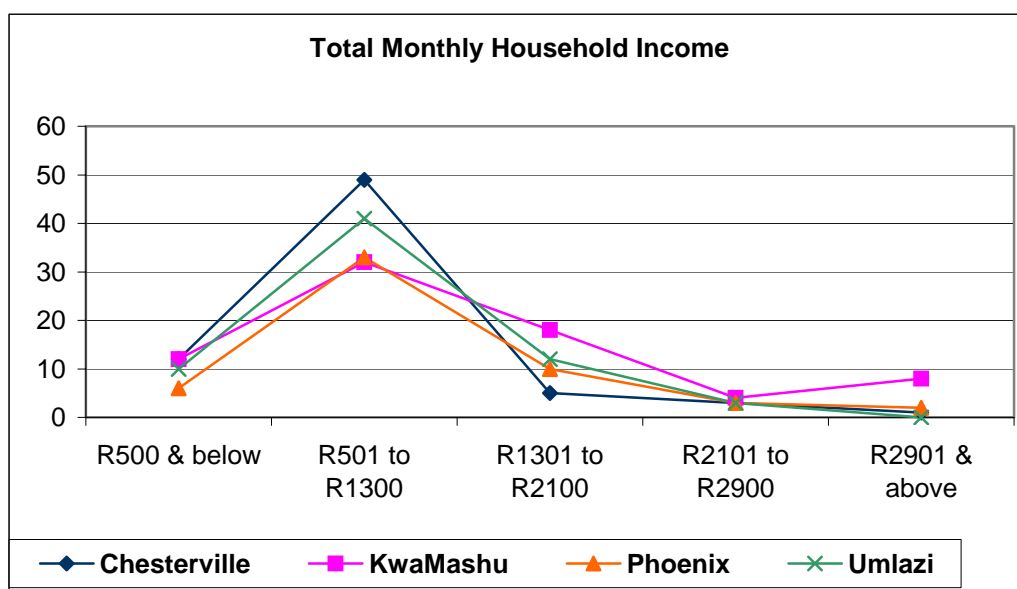


### Total Household Income

Total household income showed a similar trend with most households (155) receiving an income between R501 and R1300. Forty received R500 or less and 45 between R1301 and R2100. In the latter category, 18 households were in KwaMashu, 12 in Umlazi, 10 in Phoenix and 5 in Chesterville. Households with income above R2100 totalled 24 of which 12 were in KwaMashu, 4 in Chesterville, 5 in Phoenix and 3 in Umlazi. In the income category R500 or less, 6 households were in Phoenix, 10 in Umlazi and 12 each from Chesterville and KwaMashu.

**Table 5 : Total Household Income**

Income Categories	Chesterville	KwaMashu	Phoenix	Umlazi	Total
R500 & below	12	12	6	10	<b>40</b>
R501 to R1300	49	32	33	41	<b>155</b>
R1301 to R2100	5	18	10	12	<b>45</b>
R2101 to R2900	3	4	3	3	<b>13</b>
R2901 & above	1	8	2	0	<b>11</b>



### Rentals

Of the 397 respondents who indicated payment of rentals, only 1 paid rental on a weekly basis. The others all had a monthly rental agreement. Fifty two percent paid rentals of R500 and less. Thirty four percent paid rentals between R501 and R700, excluding Chesterville; 11% paid rentals between R701 and R900 in Phoenix and Umlazi and 2% in Phoenix paid rentals between R701 and R1500.

**Table 6 – Rentals**

<b>Rentals</b>	<b>Chesterville</b>	<b>KwaMashu</b>	<b>Phoenix</b>	<b>Umlazi</b>	<b>Total</b>
<i>R300 &amp; below</i>	66	56	18	69	209
<i>R301 – R500</i>	36	34	38	27	135
<i>R501 – R700</i>		7	32	5	44
<i>R701 – R1500</i>			9		9
					<b>397</b>

**Type of Dwellings**

Regarding the type of dwellings occupied by tenants, 22% of the respondents live in the main building, 31% occupy outbuildings, 14% flats and 11% garages. Four percent indicated that they occupy a duplex and 14% pay rentals for shacks.

About 3% said that they shared the dwellings with others.

**Table 7 – Type of Dwellings Occupied**

<b>Type of Dwelling</b>	<b>All Areas %</b>
Outbuilding	31
Main Building	22
Flat	14
Shacks	14
Garages	11
Duplex	4

**Educational Qualification**

The educational levels showed that 55% had grades 1 to 7, 38.1% grades 8 to 12 and 6.9% had tertiary education. Thirteen percent of the respondents from KwaMashu had tertiary education, followed by Umlazi (7%), Chesterville (4%) and Phoenix (3%).

**Table 8**

<b>Educational Levels</b>	<b>All Areas %</b>
Grades 1 to 7	55
Grades 8 to 12	38.1
Tertiary	6.9

## Period of Tenancy

While 14.6% were tenants for one year or less, 24% held tenancy for between 1 – 5 years. The majority (60.8%) were tenants in the same dwellings for more than six years. The period of tenancy for nine years or more were the highest for Phoenix (84.7%) followed by Chesterville (60.4%), Umlazi (32.7%) and KwaMashu (25%).

Most households' period of tenancy show a fairly stable relationship to the areas. The major reasons for taking tenancy in the respective townships included “better place”, employment opportunities, moving away from violence, small accommodation, being closer to work, lower rentals, closer to family.

**Table 9**

<b>Period of Tenancy</b>	<b>All Areas %</b>
1 year or less	14
1 year – 5 years	24
6 years and more	60.8

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## Tenancy Related Matters

### Lease Agreements

The majority of tenants (88.8%) did not sign a written lease agreement and almost all tenants (99.5%) have a monthly verbal tenancy. Most tenants (67.2%), however, are not given receipts for rentals paid.

### Maintenance

Regarding maintenance of the dwellings by landlords, 56.3% said that they were not satisfied. Twenty seven percent indicated electrical problems for their dissatisfaction in respect of maintenance, 21.3% were related to structural defects such as cracks in the wall, water leakage (18.6%), window frames (15.4%) and plumbing (14.9%). Other complaints included damp walls, borer and doors.

Respondents were asked if landlords attended to complaints: 54.6% said their landlords did not and 41.9% indicated their landlords attended to complaints.

### **Illegal Lockouts**

The majority of tenants (93.3%) were not locked out illegally by their landlords at their present dwellings. Of the 2.5% who experienced such illegal action, KwaMashu and Umlazi had 4% each and Phoenix 2%. No one was affected in Chesterville.

Similar responses were given to illegal water or electricity disconnection by landlords at the present dwellings: 90.3% said they were not affected while 6.2% experienced illegal disconnection. Of the areas affected, Phoenix had 11% followed by KwaMashu (10%) and Umlazi (4%). No one experienced illegal disconnection in Chesterville.

**Table 10 – Illegal Action by Landlords for All Areas**

<b>Illegal Lockouts</b>		<b>Illegal Water / Electricity Disconnection</b>	
<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
2.5%	93.3%	6.2%	90.3%

Maintenance problems and landlords resorting to quick fix solutions through illegal actions appear to be similar to those experienced by tenants of inner city (Mohamed, 1999).

### **Other Comments**

Under other comments, 47.3% expressed the need to own a house, 11.3% said they were looking for employment, 9% indicated rentals were high and 9% said maintenance was urgently needed.

### **Overview**

Numerous problems and disputes between tenants and landlords occur in the absence of a written lease agreement. A written agreement usually lays down rights and obligations of the two parties to a tenancy. The Rental Housing Act, No. 50 of 1999 deals extensively with rights and obligations of an agreement between a tenant and a landlord. A tenant can request the terms of a verbal agreement be reduced to writing [Section 5(2)].

The Act also deals with rental receipts and what information needs to be reflected thereon [Section 5(3)]. A receipt is *prima facie* proof of rentals paid and received and its non-issuance under common law allows a tenant to refuse tendering of rental if the landlord refuses to issue a receipt.

In terms of the provisions of the Rental Housing Act, both parties are required to carry out jointly an inspection of the dwelling: prior to the tenant taking occupation and three days before the expiration of the lease. A list of defects or damages can therefore be ascertained for the landlord to rectify these as an annexure to the lease. If the tenant is liable for the defects or damage, the tenant can be held responsible with remedies available to the landlord.

There are other provisions that prevent parties from unilateral action and through the Rental Housing Tribunal can have their rights enforced. The Tribunal is a quasi-judicial body whose decisions or ruling is deemed to be an order of a magistrate's court [Section 13(13)].

The Rental Housing Act and Tribunal are a recent introduction and would take some time before landlord and tenants become aware of its functions and powers in relation to their rights and obligations. Until then, tenants would be dissatisfied with their landlords' response or refusal to attend to maintenance and repairs and landlords would resort to quick-fix remedy.

## **Conclusion**

In South Africa, income disparities are among the most extreme in the world with 13% of the population enjoying a "first-world" status and 53% living in conditions of the "third world" (Omar, 2000).

Unless the government together with civil society and other roleplayers work arduously to reduce poverty, South Africa would move towards a catastrophic future.

South Africans must tackle the AIDS epidemic, malnutrition and unemployment that is among the highest in the world. There must also be increased access to education, electricity and water and an overall improvement in living conditions. Re-constructing the South African society requires extreme commitment from all roleplayers.

"Civil disobedience" by the poor, the evictees and landless must be seen as a desperate attempt to have the notion of "fast-tracking" delivery translated into action. The brute response of law enforcement agencies will only intensify the growing desperation, disillusionment and disparities. In this context, more than 8.6 million people live in rental accommodation, main buildings, garages, shacks and other forms of dwellings. Tenants therefore represent about 22% of the South African population.

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## **Back Cover**

SAYED IQBAL MOHAMED

Mohamed is the founding member of the Organisation of Civic Rights (OCR) in 1984 and has served as an active member since. He was a Durban Metropolitan Councillor (1998-2000). He presently serves as a member on the KZN Rental Housing Tribunal and heads the OCR.

Mohamed has majored in 1980 in Psychology, Arabic and Islamic Studies; BA (Honours) in Arabic *cum laude* (1981); BA (Honours) in Islamic Studies (1982) and MA in Religious and social Transformation, *cum laude* (2002: Rights & Obligations of landlords and tenants...) – UDW. He also holds Certificate of Estate Agency (1984); Certificate in Housing Policy Development & Management Programme (2000:WITS-UDW) and Property Education Programme (2000: South African Property Owners Association). He is presently studying for an Advanced Masters Certificate in Research at RAU.

Mohamed has several merit awards to his credit and is also an Ashoka Fellow (a USA based Institution of social entrepreneurs: Innovators for the Public). He has taught at government schools, written several books and has been involved in various community bodies dealing with redevelopment, crime and other social issues. He was director and supervisor of Internship Programme for law students of UDW through the OCR. His public profile is summed up by the following:

“Armour against landlords” (Cape Argus, Thursday, July 15, 1999)  
“Prominent civic rights campaigner” (Coastal Weekly, December 17, 1999)  
“Veteran tenants rights activist” (Daily News, October 24, 1997)  
“Stalwart of human dignity” (Editor-Peter Davis, Sunday Tribune 01:12:’96)  
“Well known urban Activist” (Editorial, Natal Mercury, 10:09:’96)  
“Well known community leader-known to be balanced and rational” (Natal Mercury, 22:11:’95)  
Recognition by Minister of Justice as playing a role of uniting people (OCR’s AGM, 03:06:’89)  
“People’s Champion”- Tireless campaigner for underprivileged (Natal Mercury, 16: 05: ’95)  
Considered leading a Shadow City Council (David Baskin, Sunday Tribune-TODAY, 25:06:’89)

## **Inside of back cover**

### **Brief Overview**

### **Organisation of Civic Rights (OCR)**

**Est. 1984**

*“...if you want to understand why I regard your organisation as important and why I consider this meeting to be important, it is because I believe that if we can get our people through out our country to organise in this way, then we can begin to address the big problems of our country.”*

**Minister of Justice, Dullah Omar (3 December 1994)**

### **TYPE OF ORGANISATION, BRIEF HISTORY OF THE OCR & ACHIEVEMENTS**

#### *Type of Organisation*

The OCR is a community based NGO & Civic organisation. It also provides a paralegal service and is involved at grassroots level on:-

- Tenants rights
- Inner city redevelopment
- Homeless
- Anti-crime and other community issues

The OCR was established in 1984 to redress conditions affecting the disadvantaged, the elderly, the poor and those suffering as a result of unjust socio-economic conditions, laws and regulations. Its practical response to people’s needs led to its rapid growth and involvement in various grassroots activities and now covers the following areas within the context of educating, empowering, capacity building and intervention: -

- ❑ Provides a nation-wide service to tenants.
- ❑ Conducts workshops nation-wide to empower and educate tenants.
- ❑ Runs internship programmes with students from tertiary institutions.
- ❑ Provides placement for post-graduate students: local and overseas
- ❑ Conducts research on the homeless community, tenants and crime issues.
- ❑ Help establish flat and street committees.

#### **Some of OCR's Achievements**

- ❑ Organising, educating & empowering tenants, the homeless & residents.
- ❑ Proactive involvement against drugs and crime.
- ❑ Founding member and co-ordinator of various anti-crime and redevelopment forums.
- ❑ Successful representations at rent board.
- ❑ Arbitration between landlord and tenants.
- ❑ On going discussions at central, provincial & local governments.
- ❑ Networking with civics and other relevant groups regionally, nationally and internationally.
- ❑ A major stakeholder on new legislation for landlords & tenants.
- ❑ Various High Court actions resulting in the:
  - ❑ reintroduction of rent boards nationally in 1986
  - ❑ reintroduction of rent control in Warwick Avenue in 1993
  - ❑ reinstatement of displaced tenants
  - ❑ reconnection of water & electricity supplies
  - ❑ prevention of racist evictions

#### **At National Government level,**

- ❑ 1984 – 1989: OCR was in the forefront for the abolition of the Group Areas Act
- ❑ 1995 – 1999: OCR was instrumental in bringing about and contributed to the Rental Housing Act 50 of 1999. Served on the national task team to advise the Minister of Housing
- ❑ 1995 – 1999: Brought about changes in the composition of rent boards.

#### **VISION AND POLICY**

The OCR as a community based NGO is committed to developing a better and just society by making a significant and distinctive contribution at regional, provincial and national levels through active grassroots involvement in improving (i) the condition of tenants and the homeless community (ii) the safety, security and health of residents. These commitments will be expressed through various programme interventions, advice, research, legal and paralegal intervention and representation, lobbying for positive changes, capacity building, education and empowerment.

#### **PATRONS, TRUSTEES AND EXECUTIVE MEMBERS**

Internationally renowned stalwarts have become patrons of the OCR: The most revered Archbishop Denis Hurley, archbishop emeritus of Durban, Dr. Omaruddin Don Mattera and Mr. Billy Nair, MP

##### **Trustees are: -**

- 1.) Prof. Leonard Gering
- 2.) Prof. Suleman Dangor
- 3.) Adv. Tayob Nazeer Aboobaker, SC
- 4.) Ms. Sibongile Doreen Khuzwayo
- 5.) Krubashen Moodley
- 6.) Sibonelo Trustworth Ngubane
- 7.) Lionel Grewen

##### **Elected members of the OCR serving a 4 year term (2001 – 2005) are: -**

- |                     |                         |
|---------------------|-------------------------|
| Sayed Iqbal Mohamed | Chairperson / director  |
| Angel Paulsen       | General Secretary       |
| David Jack          | Treasurer               |
| Beauty Linda        | Assistant Gen Secretary |
| Krubashen M Moodley | Legal Co-ordinator      |

##### **Other members of the executive are: -**

*Betty Beekes, Ismail Mansoor, Yunus Osman, Thembelani Adam Mncanywa, Vusumuzi Jerome Mkize*