

transformation

CRITICAL PERSPECTIVES ON SOUTHERN AFRICA

No.112



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- **Housing for the people, housing for the needy: public housing across continents** - Bill Freund and Alan Mabin
- **Stretching state support: everyday practices and state assisted housing in apartheid and after** - Sarah Charlton
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The cost of ownership: learning from Flamingo Court, a former social housing apartment block in Durban

RACHEL MATTEAU MATSHA, KIRA ERWIN AND GODFREY MUSVOTO

ABSTRACT

Owning property is an aspiration for many people living in South Africa. The belief that private ownership is a stepping-stone towards material and financial wealth is dominant in South African housing policy. While property ownership may lead to better living conditions and the accrual of wealth, it can also lead to exclusion, dispossession, and displacement for many low-income families. This article analyses the socio-economic, and built environment consequences, of privatising a municipal social housing block, Flamingo Court, located in the city of Durban. Drawing on qualitative and quantitative studies in Flamingo Court, we show that the impact of private ownership for the residents has proved more of a curse than a blessing. There are also unexpected costs to the state in privatising social housing units. The paper argues that low-income beneficiaries of privatised former social housing cannot always afford the costs of maintaining communal spaces or the dwelling units that come with private ownership. This results in deterioration of the building infrastructure, communal finance and governance of the apartment block, and ultimately places residents' security of tenure at risk. Flamingo Court offers an important case study for thinking through some of the hidden costs of ownership for sectional title blocks in the urban core and how and why ownership does not always translate to improved economic or social benefits, countering the current South African policy objective of upliftment and empowerment through the provision of housing.

INTRODUCTION

Over the last few decades, there have been many examples of state transfers of publicly owned housing to the private ownership of occupants. The rationale for this is underpinned by the writings of De Soto (2000) and others, that granting legal title to housing facilitates the poor's participation in the formal economy and contributes towards their economic empowerment. The orthodoxy argues that empowerment can be realised through using people's housing assets to unlock other economic opportunities. This article examines whether this is supported by evidence in the case of privatisation processes in eThekweni Metropolitan Municipality (the city of Durban) in South Africa.

The privatisation of state-owned social housing stock started in the late apartheid era in South Africa. In March 1983 the apartheid state embarked on the Great Sale, where around 500 000 state-owned rental units were offered to tenants to purchase at a discounted rate (Sefika, 2012). The process of shedding the majority of the state's rental stock continued in post-apartheid South Africa. In Durban, for instance, the eThekweni Municipality (n.d.) points out that 'Tenants have been encouraged to take advantage of the Enhanced Extended Discount Benefit Scheme to purchase their units at steeply discounted prices'. Forms of discounted benefit schemes in cities across South Africa saw many existing municipal social housing units privatised through selling them to existing social housing tenants.

This special issue asks for an important reflection on what we know about past, present and potential future housing in South Africa. This article specifically explores the impact of privatisation of municipal-owned (under the apartheid administration known as the *council*) social housing and the socio-economic wellbeing of the beneficiaries. It includes a focus on the impact of privatisation on the management, maintenance and liveability of privatised apartments. It is based on an in-depth case study of Flamingo Court, a sectional title block in the city of Durban. This 200-unit building was in its past part of the municipal rental stock providing social housing for working class and poor families. Today Flamingo Court houses a diversity of tenants and owners. South Africans, foreign nationals, single mothers, families, grandmother-headed households, pensioners, residents who inherited the flats from their parents, single young people living communally, and licit and illicit traders alike call Flamingo Court home. Diversity is also found

in the living arrangements – from single tenant flats to overcrowded subdivided units. Some units are better maintained than others. Some units are residential spaces only, whilst others have mixed uses and operate as spaza shops and informal creches for children or host informal church and support groups.

In the upcoming sections, the article outlines Flamingo Court's past as a social housing scheme before drawing on two large research studies on Flamingo Court; one qualitative and one quantitative, to explore the impact of privatising this municipal rental stock. The qualitative data was drawn from in-depth semi-structured interviews with household representatives and purposively selected key informants, and the quantitative data was drawn from a survey of 140 households. We argue that the state's sale of these units to tenants at a discounted rate has resulted in many of these ex-social housing beneficiaries paying a heavy cost for property ownership; in some cases, the ultimate cost, losing their homes through evictions. However, the article also argues that there are costs to privatisation that are carried by the municipality. Instead of abdicating responsibility for Flamingo Court, the municipality continues to carry financial costs and costly implications for policy objectives. It also continues to be held accountable for the fate of Flamingo Court, both by tenants and owners, and at times in the eyes of the courts. The article ends with some reflections on the lessons and questions raised by the case of Flamingo Court for current and future models of housing delivery.

THE FLAMINGO COURT AND SOCIAL HOUSING SCHEMES IN SOUTH AFRICA

Built in 1968, during the apartheid era in South Africa, Flamingo Court at 13-floors high is an imposing building overlooking Durban harbour. It is situated in the inner Durban suburb of Umbilo – under apartheid a designated white working-class suburb. There are a range of neighbourhood facilities, including hospitals, doctors' rooms, a railway station, a police station, numerous schools, a university, and shopping centres within a 2 km radius. During apartheid Flamingo Court was part of a low-cost rental accommodation scheme exclusive to white¹ tenants deemed economically vulnerable and in need of social housing. These schemes were run by municipalities in all major South African cities during apartheid, and municipalities ran different public housing schemes for state-constructed race groups. The rental schemes for whites were in part forms of social protection for

poor working-class white families. One distinguishing factor of most municipal rental units designated for white tenants was their location within the urban core. Even when built in working-class suburbs, the units were well located in terms of urban infrastructure and services. Tenants in these units had considerable economic and social advantages linked to their housing assistance, especially when compared to the housing provided to black, Indian, and coloured families. The spatial advantage of being close to services and amenities, as this paper will show, continues to be valued by residents of Flamingo Court in the post-apartheid era. Social housing was also, however, a social reform mechanism for white families who, through being unemployed, using illegal substances or other social issues, failed to uphold the 'myth of white supremacy'. Up until the late 1980s social workers were deployed in all these schemes to rehabilitate and educate 'deviant' families to better integrate into notions of 'decency' (Teppo 2004). Differentiated housing schemes that privileged white families were also a divisive political tool to fragment working class solidarity across racial divisions (Parnell 1993). As Mabin notes 'the history of publicly subsidized housing in the country is nevertheless a history of the use of public funds to divide, segregate and set apart "groups" as categorized by government' (2020, 455).

Debates on the financial viability of Flamingo Court date as far back as February 1977. The then Durban City Treasurer reported to a Health and Housing Committee on 'the difficulty of letting flats in Flamingo Court and Arundel Gardens Flat' (Health and Housing Minutes of the Town Clerk 9/1/2). He proposed raising rentals to make the buildings financially viable, but the municipal archives in Durban contain numerous petitions from housing scheme residents to the Housing Committee to keep rentals low so as not to put financial pressure on low-income families. The municipal archival records at times show competing concerns around financial constraints as well as a continued desire to provide welfare support to tenants. For example, in March 1977 the building of a community hall at Flamingo Court was authorised at an estimated cost of R24,000. That same year there were minuted discussions about the possibility of installing solar heating in council flat schemes to assist with reducing electricity costs (Health and Housing Minutes of the Town Clerk 9/1/2). However, this innovative proposal was not implemented. As will be outlined below, the financial and socio-economic aspects of electricity at Flamingo Court would pose major challenges for decades to come – for the municipality, for owners and tenants.

Growing concern around the financial burden of these housing schemes, and the seemingly paradoxical additional support to uplift their tenants continued into the 1980s. With a gross loss of R2,2 million on housing services registered for the 1980/1981 financial year, the costs of these schemes were substantial (Health and Housing Minutes of the Town Clerk 1/3/3/1/18), leading to the Durban City Council conducting a tenant income survey to determine whether they could afford more rent. Nevertheless, in 1982, playground equipment was provided and installed on the grounds of Flamingo Court and fencing erected around the property as well as a parking lot and office space, among many other common areas and facilities that endure – albeit in a degraded condition – to this day.

The commitment to continue providing services and infrastructure repairs to financially onerous housing schemes, aligned with international post-war sentiments. Social housing was positioned as a key policy instrument in reshaping societies in Europe and elsewhere after the first and second world wars (Mabin 2020). Providing affordable and dignified housing to low-income families was seen to bring stability and security after the turbulence and uncertainty of war (Forrest and Hirayama 2015, 235). In Durban for example, the large municipal housing estate of Kenneth Gardens was built in Umbilo to, amongst other objectives, provide suitable housing for families of returning soldiers who had fallen on hard times (Erwin 2015). From the 1980s onwards there was a global conservative turn to move the costs and management of social housing from state coffers into the private market (cf. Potts in this issue). Ownership schemes and the subsidising of private rental housing increasingly became the norm in Europe (Boterman and van Gent 2014), Canada (Desroches and Poland 2023), Japan (Forrest and Hirayama 2015) and Australia (Lawson, Troy and van den Nouwelant 2022). Whereas social housing policy had previously been a core welfare instrument it now served to embed, as noted by Byrne and Norris commenting on the Irish case, ‘a growing segment of households within financial market cycles’ (2022, 184).

Moving housing provision from a long-term social project to the private market also occurred in South Africa. The privatisation of Flamingo Court was part of a larger move begun by the late apartheid government to shed municipal rental stock. In the 1980s ‘the big sale’ saw most rental stock sold to tenants in areas designated black, Indian, and coloured townships (Marais et al. 2014). This was followed in the

1990s by large scale selling of rental stock in the white rental schemes. Property ownership in South Africa, following the international discourse, is imbued with the belief that ‘government provides beneficiaries with their first step on the property ladder and then hands them over to the existing capitalist housing market in which they now have a stake, with the implicit assumption of market integration, upward mobility, and collateral security’ (Lemanski 2011, 58).

After 1994, under a democratically elected government, providing housing beneficiaries with title deeds became South Africa’s dominant approach in housing provision. Colloquially known as RDP houses (named after the Reconstruction and Development Programme of 1994) the national subsidy scheme built an extraordinary number of new units, handed over to individuals. State-subsidised homeownership provided, in the eyes of the Department of Human Settlements, ‘a social and familial asset that has physical, symbolic, and economic functions’ (Department of Human Settlements 2015, xi). As Charlton (2018) and others have argued (see Parnell and Robinson 2012, Charlton and Kihato 2006), blanket critiques of this housing provision as neoliberalism are simplistic. The scheme provides substantial grants to beneficiaries within a developmental approach, rather than financialisation of housing through loans and debt creation for recipients. It attempts to move beyond providing basic shelter in a welfare approach to transferring land assets to people (Marais et al 2014, 62). It is important to note that many South Africans aspire to property ownership, and in a country that deprived black people of property, land and wealth ownership, the policy seeks to address past injustices.

The dominant ownership model has shown mixed and rather weak results in terms of what ownership can catalyse. Whilst owning a state-provided housing unit does offer ‘stability of a kind to many people’, ownership of these units has demonstrated ‘constrained performance as a financial asset’ (Charlton 2018, 105). A web of interrelated reasons surrounds the poor performance of this ownership scheme in addressing poverty. Misguided assumptions around building units for an imagined nuclear family contrast with the everyday fluidity of family life as multiple members attempt to find work and secure livelihoods in an economy with scarce employment. In addition, title deed houses were often poorly constructed (Myeni and Mtapuri 2020, 152), and their ‘frequent positioning in peripheral and often unfavourable localities’ shows ‘little use to date as an economic asset

generating income beyond survivalist-level' (Charlton 2018). What is clear is that this macro experiment in state-delivered housing has substantially challenged the linear notion of upward mobility which underpins this ownership scheme (Turok et al 2022). As Lemanski reminds us, 'the post-apartheid prioritization of state-subsidized homeownership as a solution to poverty makes it an excellent case for exploring the impact of property ownership on low-income households' (2011, 58). This article through exploring the privatisation process of Flamingo Court takes up this call for better understanding the impact of property ownership on low-income families and what happens to people's security of tenure when they move from being social housing beneficiaries to homeowners.

It is worth noting that except for a few remaining municipal rental units built under apartheid, social housing policy in South Africa today no longer provides direct financial and administrative management by the state. The move towards the goal of ownership as a form of state support for low-income families resulted in shifts within social housing policy under democracy. With many iterations to its conditions and management, social housing in South Africa has transitioned into the provision of an institutional subsidy mechanism. The subsidies mostly cover the institutional set-up and operational costs needed to encourage independent social housing institutions to enter the market of providing rental units to low-income tenants. It was hoped that social housing blocks, well-managed by independent institutions, would drive local economic development and make 'a financial contribution to local authorities by way of regular payments for rates and services' (Department of Human Settlements 2009, 6). Local, provincial, and national governments continue to weigh up financial, market and land-use constraints to make decisions on social housing developments (see Turok et al 2022).

The South African landscape is variegated in housing support mechanisms, and the local context of housing profoundly shapes whether housing support genuinely enables stability, dignity, and security as desired in housing policy. While there is no single narrative about how housing beneficiaries experience state support, there is – given apartheid spatial segregations – nevertheless widespread agreement that location matters in achieving the policy goal to 'integrate previously excluded groups into the city and the benefits it offers' (Department of Human Settlements 2009, 5). Post-apartheid, policy documents and urban scholars have made increasing calls

for dismantling the continued practice of developing low-income housing on the periphery (Freund 2010; Musvoto, Lincoln and Hansmann 2016).

Ironically Flamingo Court, once a large social housing rental block, now privatised, is very well-integrated into the urban core. We argue that it is worth interrogating, through exploring the privatisation of Flamingo Court, whether decisions made in the name of financial sustainability for municipalities, pay dividends in relation to financial and policy goals. How does the past privatisation of municipal rental stock weigh up against current policy aims and objectives? What types of accountability and responsibility for ex-social housing beneficiaries arise for the state post-privatisation? And lastly, what learnings might we draw from this case for current and future state-funded housing policy and practice?

METHODOLOGY

The analysis and arguments made in this article draw from two completed research projects on Flamingo Court. Working across the datasets, one qualitative and one quantitative, offers useful triangulation. The first dataset is qualitative and was collected through the participatory and visual storytelling project Narratives of Home and Neighborhood². Visual methodologies were used to collect, interpret, represent, and disseminate data, and included film-making and photography. Traditional documentary research methods such as archival research and secondary literature reviews complemented the visual data. Throughout 2017 and 2018, a total of 12 structured and semi-structured interviews were conducted with residents and security guards working in the building, and five focus groups were held with residents. Regular field visits and informal discussions with residents were carried out during the same period as well as observation at resident meetings.

The second dataset arises from a quantitative survey questionnaire, conducted in 2020, that was thematically developed focusing on the profile of respondents, household characteristics, satisfaction with dwelling unit attributes, and the neighbourhood environment. As Flamingo Court has 200 units spread over 13 floors, this translates to 200 households residing in the apartment block. A sample size of 140 households was selected to participate in the survey based on the Cochran formula of calculating sample size for alpha level a priori at 0.05 (error of 5 per cent). Analysis of the survey data used Statistical Package for Social Science

(SPSS) to generate descriptive statistics and cross tabulations focusing on causal associations between variables. In addition, we substantiated this analysis with legal court papers and media articles on Flamingo Court to show how Flamingo Court and its residents are perceived in the eyes of the law and in the public.

ANALYSIS: THE COSTS OF OWNERSHIP FOR SOCIAL HOUSING BENEFICIARIES

In the early 1990s, Flamingo court opened to all regardless of race, and the social housing block became more diverse and representative of the wider South African society. Flamingo Court and another large public housing block, Elwyn Court on Point Road, moved from municipal owned housing to privately owned units after the advent of democracy. Between 1998 and 2002 Flamingo Court was transformed into a sectional title scheme. Sectional title schemes enable individual ownership of units through the establishment of a body corporate, a legal entity that represents the owners and which financially and administratively manages and controls the apartment block, particularly communal spaces and shared infrastructure. Tenants who had previously rented from the then Durban City Council became owners as they purchased their flats for as little as R600 to R800. This conversion occurred through the Discounted Benefit Scheme, which formed part of the Housing Act of 1997 mechanism to improve access to the housing market for low-income families (Legal Resource Centre 2020). Ownership was seen as a way to remove the stigma of being labelled a housing beneficiary (Marks et al 2018). It was also a way of purging the financial expenses related to the costs of maintenance and utilities associated with municipal ownership.

As tenants became owners, these ex-social housing beneficiaries experienced several changes, both in their social and built environment. While some new owners quickly sold their units to generate income, many initially remained. However, by 2020 the survey of 140 households in Flamingo Court showed that 72.9 per cent of these were tenants renting units. Whether these rents are going to the original Discounted Benefit Scheme recipients or their families, is unclear. What we do know is that Flamingo Court units were for some time on the open market. The economic status of residents in Flamingo Court has remained unchanged. The same survey shows that the majority of households earn less than R9, 600 a month (62,1 per cent), with a staggering 27,1 per cent of these indicating a household monthly income of

between R1 and R4, 800. For the original owners who remained in Flamingo Court, the change from a consistent resident body to the dynamic movements of tenants and owners in and out of a sectional title block, is experienced as a breakdown of social relations and a loss of a sense of community.

In sectional title schemes, levies create a collective pool used to pay for municipal services and maintenance. This model requires regular income and prompt payment of monthly levies to the body corporate. In turn, the body corporate needs to ensure that rules are implemented and adhered to and must administer the maintenance and general upkeep of the building. Sectional title blocks require 'co-operation between many different owners' to function (Erwin 2011, 91). As seen in interviews with Flamingo Court residents and subsequent court cases discussed below, cooperation does exist at different levels in Flamingo Court. However, people's precarious economic positions quickly derailed attempts at co-operation that demand financial commitment, such as the collection of levies via a body corporate. The levies required of new owners posed a challenge for many households, particularly when special levies were required for major maintenance projects. The absence of a functioning body corporate meant that there was a limited levy collection mechanism. Increasingly non-payment became the norm, maintenance was neglected, and utility bills fell into arrears. The result was that the building fell into a state of disrepair. Both the original and subsequent owners collectively accumulated debt to the tune of hundreds of thousands of Rands owed to the municipality for rates. Some owners also owed money to private banks for loans they had taken out to buy or maintain units.

As a physical structure Flamingo Court and its grounds are a shadow of what they used to be. The grounds are poorly maintained, the jungle gym is broken, there is visible broken concrete, piping, and glass throughout the block. The lift in this 13-floor building does not always work. In the household survey over half (55 per cent) of the residents were not satisfied with the structural damages in their units. As pointed out by one long-time resident of Flamingo Court, Siya, against commonly held assumptions home ownership brought dispute amongst residents, and an orderly stable environment gave way to a 'free for all' attitude and loss of accountability to the larger community (Interview 5 July 2018). In 2008 the eThekweni municipality went to court to claim a backlog of rates from Flamingo

Court to the amount of R172 625. With no functional body corporate, and growing debt, Flamingo Court was placed under administration under a court judgement in 2010. However, this did little to improve municipal payments. By 30 September 2011 the block remained in arrears for levies to the sum of R485 381 (High Court Papers Case No: 9408/2011).

Despite being under numerous cycles of administration, the situation of unpaid levies did not improve. Many tenants and owners simply did not have sufficient incomes to make levy payments tenable. For example, in 2015 *The Daily News* published a story titled 'Housing Time Bomb for the Poor'. The article interviewed ex-social housing beneficiaries living in both Flamingo Court and Elwyn Court, who were facing legal action because of arrears. The story of Fredericks, a pensioner who had lived in Flamingo Court for over 20 years, illustrates this payment dilemma well. Fredericks, who also houses his unemployed son and his granddaughter, earns a private pension of R1, 100. Yet his levies, which by then may well have included special levies for desperately needed maintenance, were sitting at R1, 600 a month (*Daily News*, 12 October 2015). In a focus group conducted with residents in June 2018, residents openly acknowledged how accumulated debt owed by residents to banks and the municipality, a lack of a maintenance fund for utilities and infrastructure, and the absence of a governing body, have negatively impacted living conditions in the building (Focus Group 1 June 2018). Many residents identify the change to ownership of Flamingo Court as the root cause of the dysfunctionality of the block. When most owners are economically vulnerable, sectional title schemes are notorious for leading to rapid degradation of the built environment and contribute to high levels of urban poverty (du Plessis 2004). This is in stark contradiction to the often-held assumption that ownership has wealth-creation potential.

In an economy in which formal employment is hard to find, and informal work offers no social protection, low-income families enter precarious income cycles. Whether a family can afford levies and rates is highly dependent on their form of employment and whether it offers protection from salary loss linked to health and family obligations. The 2020 household survey shows that 60.7 per cent of household heads in Flamingo hold formal employment, while 24.3 per cent undertake informal employment, and 21.4 per cent primarily rely on government grants.

A 10-minute walk up the road from Flamingo Court is Kenneth Gardens, a large municipal housing estate that survived the privatisation wave of the 1990s. An oral history project undertaken with residents revealed just how important social housing is for tenants in this position. Due to the precarious nature of their work, residents in Kenneth Gardens also experience cycles in which they are unable to pay their rents to the municipality. They however are never threatened with evictions. It is during these tough times that people's homes provide a vital safety net while they seek new job opportunities and livelihood strategies. Indeed, in Kenneth Gardens there are even cases of women tenants who pay back what they owe the municipality once they get back on their feet financially (Marks et al 2018).

The residents of Flamingo Court no longer have housing as their social safety net in relation to precarious work. Indeed, it is housing itself that becomes precarious when tenants' ability to pay rent or levies is diminished. When the costs result in evictions residents lose more than a roof over their heads; they lose their sense of being at home in the world. Zinhle, an owner since the discounted benefit scheme, risks losing her home. At the time of the interview her flat was going to be auctioned. Her attachment to Flamingo Court runs deep. She raised her children there, has developed networks of support and solidarity, has her group of friends with whom she shares life's ups and downs, her children go to school in the area, and she works in the neighbourhood where she cuts grass and informally trades sweets, vetkoek and snacks around schools in the area. She sees her future in Flamingo Court and explains:

The building is home to me and my children, we have no other home outside of this. My hope has always been for this place to remain a home for them as there is nowhere else we can go. It is now about the children (Interview 31 March 2018).

When low-income tenants become owners, they are pushed into participating in a capitalist driven property market without being familiar with its rules and implications for everyday life practices and administrative affairs. Jane, a long-term resident, explains what she has learnt in hindsight: 'We bought the flat, but I will tell you, if I knew what I know now, I would have never bought the flat. I would rather rent it' (Interview 21 January 2019). When the court-appointed administrator took over the block, he described Flamingo Court as having reached near slum status,

which he deplored as a 'government created disaster' (*Berea Mail* 25 March 2015). It is reasonable to expect that the inability to pay for the maintenance of a sectional building scheme can be anticipated in cases where residents are defaulting on rent payments under the social housing scheme (du Plessis 2004, 92), which certainly as in Kenneth Gardens, would have been the case at Flamingo Courts.

Zinhle, an owner whose flat is on auction and who is facing dispossession feels frustrated with the lack of state accountability for families who could easily fall into payment difficulties. He states:

One has to ask, when you say single parents and pensioners, what do you expect will happen when they are no longer employed? For you to come back and threaten them with eviction? Where are the human rights in that? What does the Constitution say, in fact, about the poor? (Interview 31 March 2018)

Previously, while not owning their flats, tenants were part of a housing scheme that treated them like de facto owners in terms of tenure security, without having to assume the financial costs associated with the administration and maintenance of the building. Most of the residents interviewed in the qualitative study spoke about the first time they arrived in Flamingo Court as a place where there was a strong feeling of togetherness, where there were many activities and social support, and the building was in good condition. Siya relayed his first memories of Flamingo Court as a young boy: 'I think about the very first time I came to Flamingo. It was beautiful, there was lots of activities. Now things are going down, it's not going well' (Interview 5 July 2018). Njabulo, who also grew up in Flamingo Court, reiterated this point:

My ideal Flamingo? I think it is like any other issue, we always want to look back. The ideal Flamingo would be the same one I grew up in the 1990s, the park and activities with the councillors. I mean the fire station is down the road, we used to take trips there ourselves, they used to let us in, and we would play there (Interview 5 June 2019).

A sense of collective ownership has made way for individual, private ownership. The arrival of 'outsiders' after private ownership, is often held as the moment when

the familiarity and social cohesion of the block was jeopardised. As Siya explained: 'You get people coming from outside who come and do things in our building and people think it's Flamingo people, but it's not true. We don't know who is who anymore' (Interview 5 July 2018). Jane, who has lived in Flamingo Court for more than 40 years, also sees outsiders as rupturing a sense of community:

I hope with the help of God we can save this place from all these people that come to stay here, the drug dealers, the people who come from outside and make Flamingo a rubbish den. Because they come from outside and they stay with each other as drug addicts... That's all I can say, that God can help us take out all the rubbish (Interview 21 January 2019).

The complex interplay between the quality of the built environment and social relations means that some participants mark the change in the social fabric of the Flamingo community to the moment things started 'to go down' in the building, as expressed by Thabani:

When Flamingo started going down, a whole [lot] of people left, I mean the ones who could afford, they left and then they neglected their flats. So the ones who couldn't afford were the ones who now suffer. I don't want to say they suffer because of all the people who left. It is because they neglect their flat and started renting their flat, and then foreigners came and they didn't care, as long as they got their money (Interview 5 June 2018).

Contrary to the widespread belief that ownership can bring stability, in the case of Flamingo Court, home ownership marked the beginning of a period of great instability through which residents are still negotiating their identity of place. The burden of ownership meant that some owners turned to subletting, which in turn places a further burden on the already failing infrastructure. Subletting to turn your property asset into a form of immediate income or livelihood has been well documented in RDP housing developments (Lemanski 2009; Shapurjee and Charlton 2013). Subletting without a functional body corporate can lead to a breakdown in neighbourly relations. Flamingo residents spoke candidly of how overcrowding was often associated with the anonymous 'foreigner', and how this affected the social environment:

There is a lot of tension not within a flat itself but with the neighbours as well. Some people don't like that it is overcrowded, you find them getting irritated. You find people calling them names for the ones that come from another country, 'kwerekwere', and there are fights and tensions around this, all because of overcrowding. And it leads to breaking the rules. Because [someone would say], "you can't tell me there are too many people, where are the rules about that?" (1 June 2018).

Most residents longed for a more orderly environment, which seems to be strongly associated with a sense of community. The descent into a so-called 'bad building' in cases like Flamingo Court is often erroneously blamed on 'foreigners' or outsiders but is in fact due to the 'legal intricacies of private ownership' (Erwin 2011, 89). The discriminatory narratives that grow from feelings of state neglect and abandonment are problematic, and indeed dangerous, and run counter to the policy ideal that the provision of housing can 'promote social cohesion' (Department of Human Settlements 2004, 10). The root of the problem lies in people recognised by the local state as needing social housing assistance entering the private property market with no form of state protection or support mechanisms to grow capacity for navigating the costs of ownership.

As first-time owners, many residents had a feeling of abandonment and disappointment towards the state for having to make do with little knowledge about the sectional title scheme, and few financial resources. A study from the Netherlands on social housing stock that moved into an ownership scheme outlines findings that resonate with the Flamingo Court case. Kleinhans and Elsinga show that turning ownership into a wealth asset, as per policy assumptions in many countries, requires skills in understanding the private property market (2010, 45). When compounded by offering title deeds for units in neighborhoods or isolated locations that are undesirable on the private market, ownership at the low end of the market can create a relative deprivation effect (ibid, 56). As Byrne and Norris (2022) argue, the lack of protection from private market fluctuations holds the potential for loss of ability to sell by the homeowner. As the owners of Flamingo Court have experienced, families in need of state support may find themselves trapped into a cursed block in which they too may start to refuse to pay levies or sublet to eke out an existence from their 'gift' of ownership.

Residents both in RDP title deed developments and ex-social housing blocks like Flamingo Court experience the burden of ownership costs when precarious work renders them unable to pay for municipal services. In short, they may use the one asset they have to generate income by sub-letting or what in RDP units is called back-yarding, and running businesses from home (car mechanics, spazas etc). These economic activities further contribute to the diminished value of the individual unit as they are seen as identifying symbols of a 'bad building', or in the case of some RDP units, lower the value of the mortgage (Charlton 2018, 109). These factors further decrease the possibility of selling the unit as a form of wealth asset for owners. The income strategies are necessary to offset the costs of ownership, 'and thus how the phenomenon is provoked by the housing policy itself' (Ibid, 107) rather than the 'deviant' behaviour of housing beneficiaries. The belief that ownership dispels stigma for social housing beneficiaries has also not materialised. When sectional title blocks become dysfunctional the stigma of living in depressed places sticks to residents, often on the assumption that the residents themselves are the bad elements in these buildings. The threat of imminently being forced to leave is itself laden with social value judgements; Zinhe says that the administrator told the remaining owners 'that if we fail to pay the levies, we need to go back to the shacks where we come from' (Interview 30 March 2018).

ANALYSIS: THE COST OF OWNERSHIP FOR THE STATE

If the costs of ownership have been high for the ex-social housing beneficiaries of Flamingo Court, what have the benefits and costs of shedding this rental stock been for the municipality? One obvious financial benefit to the municipality is that it no longer incurs the monthly maintenance and managing costs for Flamingo Court. It may even have been able to shed some jobs within its own housing department since a substantial amount of previous rental units no longer require administrative management. However, the privatisation of Flamingo Court has not meant the end of cost for eThekweni Municipality which continues to pay towards and subsidise this block in unexpected ways.

In 2008 the municipality incurred the legal costs of taking the block to court for non-payment. This case resulted in court-imposed administration of Flamingo Court in 2010. Recognising that the arrears were unlikely to be paid, the municipality, as

part of its rate rebate policy, in 2011 wrote off outstanding rates of R158, 436.52 for Flamingo Court (High Court papers Case No.: 9408/2011). The municipality continues to experience a loss of rates income from the block, which is in itself a cost to the state. In 2015 the residents of Flamingo Court had another major reprieve from the municipality when it agreed to write off R8,7 million in debt owed for water (Daily News 12 October 2015). Over and above the debt write-off the municipality paid to install individual water meters in each unit. In a separate court case in 2011 in which some flat owners wanted to remove the court-appointed administrator, a high court judge, commenting on the rates rebates Flamingo Court had received, noted:

[I]t would appear that the municipality now considers the first respondent [Flamingo Court] as sub-economic housing which receives corresponding rates relief from the municipality. It therefore appears unlikely that another debt to the municipality is likely to accumulate in the foreseeable future (High Court papers Care No.: 9408/2011).

A media article regarding a case around the renewal of the administrator's contract in both Flamingo Court and Elwyn Court bemoaned the irresponsibility of privatising units of this kind. The author pointed out how non-payment of levies further silenced ex-social housing beneficiaries' rights within the block. Under a sectional title scheme their lack of levy payments makes them ineligible to vote for or stand as a trustee, significantly limiting their ability to be part of collective decision making (*The Mercury* 28 June 2016).

Even though the municipality no longer owns or manages Flamingo Court, it is seen by residents and a high court judge alike as ultimately being responsible for some of the welfare assistance usually associated with social housing. Flamingo Court is not alone in suffering from decay and debt after being sold to social housing tenants. The administrator responsible for over 10 of these ex-social housing blocks in Durban warned that in 2015 around 'half of the 60 000 families who were given council-owned flats would lose their homes'. He threatened to open a new court case against the municipality to hold it accountable for knowingly handing units to poor people without any support systems. He argued that it had already resulted in families and pensioners losing their homes as units were auctioned under the sectional title law (*Daily News* 12 October 2015).

While the financial costs to the municipality of privatisation over the last 20 years may still be lower than the financial costs of managing and maintaining a social housing block, there are other types of costs to be considered. The first is future legal cost for the municipality. Already the Legal Resource Centre has taken on as clients some of the owners who bought their units through the Discounted Benefits Scheme, and who face evictions. A recent Legal Resource Centre publication states one of their key arguments in this case:

It is a painful illustration that although the Discount Benefit Scheme sought to achieve equity in the housing landscape, the lack of information and training on the management of the sectional title schemes at the point before transfer of the units to the beneficiaries had ultimately set the scheme up for failure at its commencement and had the consequence of robbing occupants of security of tenure (Legal Resource Centre 2020, 43).

Under current human settlements policy, many of the owners would be ineligible for state assistance for social housing support or access to state delivered title deed housing. Given the constitutional right to housing and the negative impact on this by the municipality's decision to privatise, no matter how good the intention, it is feasible that the municipality may in the future be held to some kind of account to find evicted owners alternative accommodation or offer further rates rebates.

Moreover, while hard to quantify, there is an objective national policy implication when social housing stock becomes privatised as sectional title blocks. What is fundamentally lost when social housing apartments like Flamingo are privatised, are large social housing buildings that are ideally positioned and embedded in the surrounding urban fabric - the kind of well-located blocks that are currently being called for in delivering social housing. One overwhelmingly positive response is satisfaction with neighbourhood facilities.

THE BENEFITS OF LIVING IN FLAMINGO COURT REGARDLESS OF PRIVATISATION

Regardless of the difficulties outlined above, the 2019 survey showed high levels of residents' satisfaction across a range of facilities, including education, health, transport, and public open space. These levels are high despite residents' concerns

about crime, noise and pollution from traffic, and the degraded environment. For many residents, proximity to these services means access to social, economic, and cultural capital, making Flamingo Court a desirable place to live. Access to services adds value to the space, as pointed out by Jane who enjoys being able to walk to nearby King Edward hospital and to Spar supermarket and being on public transport routes (Interview 21 January 2019). Being embedded in the neighbourhood extends the footprint of the Flamingo Court community beyond the confines of the building, as residents often encounter one another at the nearby shopping centre. This feeling of familiarity with and within the neighbourhood, of being at home, speaks to a comfort zone that extends beyond the walls of individual flats and the boundaries of the building, and which reinforces a sense of belonging to Flamingo Court and the broader area. Thabani expressed it well: 'Home is here, at Flamingo Court. I mean Umbilo has always been home. If we walk around Flamingo Court, we walk around the whole of Umbilo. That's why I know Umbilo like the back of my hand today' (Interview 5 June 2018). Another more recent tenant, Max, who moved from the Democratic Republic of Congo with his wife and children and made his home in Flamingo Court, appreciates the convenient location, which makes it 'a nice place'. For him, 'it's convenient actually for everything. I do not have problems going to the shop. I have no problem going to town, so everything is just around here. That's the most important thing about Flamingo' (Interview 6 December 2018).

The central location of Flamingo Court plays a vital role in terms of access to work opportunities. For Philani, a tenant for more than 12 years, access to economic opportunities is a prime factor that made Flamingo Court his home in the first place, 'That's the main reason I moved here because it's much closer to work' (Interview 30 October 2018). Not having to pay the high cost of transport to access work, amenities, and social services is a substantial benefit for low-income families who live in well integrated inner suburbs close to the city core, and/or economic nodes. In recognition of this there are growing calls for 'increasing the stock of affordable rental housing in well-situated areas' (Turok et al 2022, 100). Integration into the urban fabric through the provision of subsidised rental units directly meets the current human settlement policy objective that the 'poor are not pushed farther and farther to distant and marginal locations' (Department of Human Settlements 2009, 12).

Such views explain why residents, both old and new, especially those facing eviction, have fought to stay in Flamingo Court, including taking on lengthy court battles. As Siya says 'the community must stand up; no one can help us. Only we can help ourselves' (Interview 5 July 2018). The numerous court cases over the years, including a recent one in 2018, have to some extent brought back a sense of working together in Flamingo Court. Residents have self-organised community meetings to discuss evictions and even informal floor supervisors to make sure rules are adhered to. For Max,

Flamingo is a community ... There is change, the community is now starting to take responsibility and develop a conscience. That's why you see change here, because before everyone was relying on someone else to take care of them, the community came together now. [...] That is why I say it is a community. (Interview 6 December 2018)

While this sense of rebuilding community may be viewed as a positive for residents it is important to recognise the costs associated with it, including costs that extend to the municipality in terms of its relationships of trust and accountability to people who live in the city. The Flamingo Court residents are not just fighting to keep their homes, they are increasingly vocalising their fight to hold the municipality to account for poor decisions made around state delivered housing. They recognise that what has transpired in Flamingo Court is the opposite of the policy promise of 'ensuring property can be accessed by all as an asset for wealth creation and empowerment' and that housing delivery works towards 'combating crime, promoting social cohesion and improving quality of life for the poor' (Department of Human Settlements 2004, 9-10).

CONCLUDING REFLECTIONS

What lessons can be drawn when we consider the costs of privatisation for housing beneficiaries and the municipality? As illustrated in this Flamingo Court case study, giving housing beneficiaries ownership of units in sectional title blocks places them at severe risk. Indeed, it could be argued that it is irresponsible to hand over individuals and families, recognised by the state as requiring welfare assistance, to the private property market. With no additional mechanisms to provide support while transitioning into ownership, and no state regulation of the market for these new

owners, these welfare beneficiaries are left at the mercy of the ruthless fluctuations and injustices of capitalist property markets. Rather than solve the issue of housing for the state, the privatisation of past assets and new developments may result, given our constitutional right to housing, in the responsibility and financial costs for the displaced being placed back at the door of the state. What Flamingo Court and other studies on ownership models of state delivered housing clearly indicate is the need for better understanding of what happens when a housing ‘benefit [comes] with unmanageable costs’ for recipients (Charlton 2018, 104). The immediate costs: loss of tenure, exclusion from the right to the city, living in degraded environments, a breakdown of social relations and being stuck with a devalued asset, are all carried directly by the housing beneficiary and their immediate families.

What we have argued is that it is also worth taking seriously the costs of this ownership to the state. In the Flamingo Court case the municipality continued to incur costs and was held responsible for aspects of the block well after the privatisation of these units. A strong social and spatial justice argument may be made in this case that the municipality should be held responsible for the residents, the majority of who would under today’s housing policy qualify for housing support. This case holds implications for housing policy development in South Africa. Some are practical, such as what will happen to the shared block infrastructure of the 6 story walk-up RDP units that are currently being handed over to housing beneficiaries in Johannesburg and elsewhere? Without support and planning led by the state for communal finance and maintenance management, will these new title-deed units follow a similar and sad journey as that of Flamingo Court?

We have also shown that privatisation of Flamingo Court and other ex-municipal rental stock resulted in losses to the state in terms of national policy goals and objectives. This is particularly the case in the loss of well-located units that are integrated into the urban core. In 2010, Bill Freund reflecting on whether there was such a thing as a *post-apartheid* city, warned that we would see little different in urban development if public housing continued to be ‘constructed at minimum cost, on land available cheaply on the urban periphery’. For Freund the impact of public housing on inequality is hamstrung by ‘the extent to which the poor remain un- or underemployed’, and the myth that public housing will ‘interest the business

sector as a significant source of investment’ (2010, 295). Already in 2009 the National Department of Human Settlements, despite the institutional subsidies that had been paid to around 60 social housing institutes to provide social housing, noted that to avoid financial distress and an over-reliance on donations, policy had started to move away from low-income tenants to service the middle-class. In essence, the state’s initial subsidy no longer served the beneficiaries it had hoped to but had assisted some social housing institutions to become competitive in the private market in which they now operated (Department of Human Settlements 2009, 7).

Private property markets form a hostile environment for people in need of housing support. The global obsession with property ownership and profit-making means that around the world housing policy pays less policy attention to the form of tenure that most people in cities practice, namely that of paying rent (Potts 2020, 245). As Potts (in this issue) has convincingly shown, the crisis of housing in cities is global and an issue of demand not supply. Recognising this requires a housing policy that grapples with the reality that many people cannot afford to pay rent in the private market or pay the real costs associated with ownership such as property rates and service levies.

While the government recognises some of these shortfalls, there is still a heavy focus on quantity of units and the supply of housing through various models. What we have not yet seen, and urgently need, is a critical policy reflection that develops housing in relationship to other welfare mechanisms to explore which forms of housing support are actually viable for beneficiaries. Without that, well intentioned, but naïve, housing production will continue to deliver units that, at best, offer a lukewarm response to inequality in South Africa, and at worst actively place beneficiaries at risk of losing security of tenure and living in degraded housing environments. We acknowledge that there are no easy fixes to the complex issue of social housing in South Africa. However, if we are to move towards just and equitable urban futures, it is certainly time for serious policy deliberation on the role of the state and the limitations of ownership in an unregulated private property market. It is hoped that learning from Flamingo Court can contribute to such deliberations.

NOTES

1. Apartheid, building on a history of racist administration under colonialism, constructed legal race groups and engineered differential rights, services and infrastructure around these. At the time that Flamingo Court was built, these racial groups were commonly known as Black, Coloured, Indian and White. We reject any essentialised notions of race, but these categories shaped social housing schemes in South Africa, and sadly continue in many ways through both state policy and everyday use to shape the material realities of people living in South Africa.
2. The full report and film on Flamingo Court produced through the project can be accessed at <https://narrativesofhome.org.za/resources/>.

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Njabulo, son of owners (5 June 2018)

Siya, grandson of owner (5 July 2018)

Max, tenant (6 December 2018)

Philani, tenant (30 October 2018)

Junior, grandson of owner (6 May 2018)

Focus group

Focus group with Junior and Njabulo (1 June 2018)

'Welbedacht is a beautiful place': Community insights on placemaking and social transformation in a state resettlement programme in eThekweni, Durban, South Africa.

SOGEN MOODLEY AND MONIQUE MARKS

ABSTRACT

Welbedacht East (Welbedacht hereafter), situated in the margins of Durban's peripheral south, was a resettlement area for one of eThekweni Municipality's largest slum clearance projects in history. With long work commutes, few income opportunities, and minimal state-provided social facilities, the project is considered to be badly located (Sokhela 2006). The authors entered Welbedacht to profile this almost forgotten space, documenting its emergent practices of community care, integration, and resilience. Initiated after the July 2021 social unrest in KwaZulu Natal, this research explores the impact of the rioting in a racially and culturally diverse township. As engaged scholars, we sought first-hand knowledge of Welbedacht's unique social fabric, connecting its residents to government actors and to the wider public. Over nearly two years, we observed how residents of state-provided housing make sense of place and belonging, and how social networks counter deficits in infrastructure and state-delivered services. Wise local governance, we argue, requires the provision of infrastructure in collaboration with local residents who we

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