

## Environmental protection

### The provision of Free Basic Water (FBW) to backyard dwellers

**A recent WRC-funded study investigated the provision of FBW to backyard dwellers and/or more than one household per stand.**

#### Backyard dwellings

Backyard shacks occur in all provinces in South Africa and according to the Stats SA General Housing survey, 2008 (2009), backyard dwellings make up a vast amount of informal dwellings as could be seen in the following figures; 81% of informal dwellings in the Western Cape, 75% in the North West, 67% in Mpumalanga and 66% in Gauteng.

#### Defining multiple households/stand

In this study, multiple households/stand is defined as an informal, low-income form of housing where more than one household lives in one common area which was originally intended for use by one household, including shacks erected in the backyards of more formal houses, huts or rooms which have been subdivided for rental to multiple families or large tenements that house numerous families within one 'flat'. Both sharers and tenants are included.

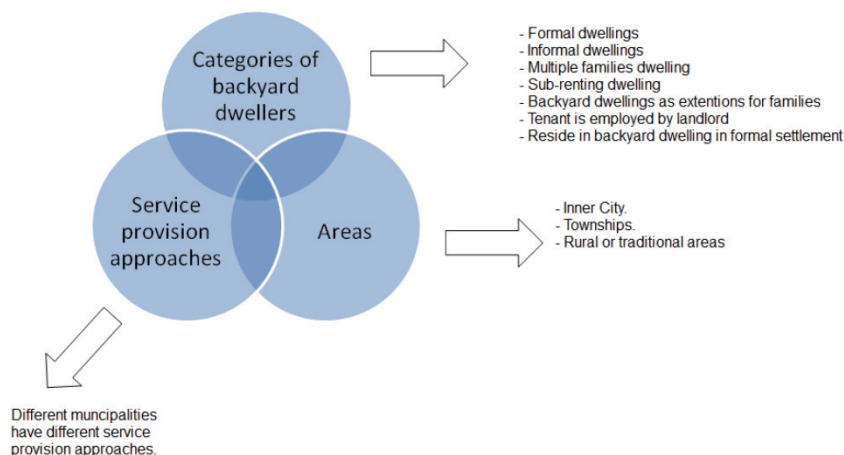
#### Surveys

In this study surveys were conducted in Alexandra, Diepsloot, Ivory Park and Rustenburg and the data collected was used to provide case study information on the 'typical' backyard dwelling and problems related to water and sanitation.

#### Policy review for background dwellers

Backyard dwellers in the past have been overlooked by housing and municipal services policies that focus on upgrading and/or eradicating informal settlements. A policy review was undertaken in the study to provide a detailed understanding of the current South African strategy framework regarding backyard dwellers and access to basic water and sanitation.

#### Selection criteria for backyard dwellers



Key findings of this review:

- **Household not defined in policy**

Based on current legislation, households are entitled to access to water services, and thus free basic water provision. A household is not defined in any water sector policies or legislation therefore in the absence of a definition a backyard dwelling is a household and as such is entitled to access to free basic water. In the review of the Water Services Act (Act 108 of 1997) a clear and concise definition of a household in line with water sector policies must be provided.

- **Discrepancies between legislations**

If a definition of a household in the context of water sector functions is provided, municipal bylaws prevent a municipality from providing more than one connection to a stand hence, the gaps and ambiguities between water sector legislation and other legislation must be corrected.

- **Dwellers dependent on goodwill**

Most backyard dwellers in the case study have access to water and sanitation services, but they are dependent on the goodwill of the landlord for continued services.

## Recommendations

Currently, there is no legislation or policy that provides minimum standards or codes of good practice for landlord/backyard dweller relationships. Instead government has focused on housing policy to provide home ownership. However, due to the current backlog and the permanent nature of backyard dwellings, backyard dwellers need to be acknowledged by government and municipalities.

## Rental housing policy and legislation needed

Education initiatives and a rental housing policy are required to formalise the backyard dweller/landlord relationship. With a more formalised rental policy, legislation would ensure that water access could not be withheld (for whatever reason). It would also provide a mechanism to ensure that backyard dwellers could apply for free basic water. Although there are numerous pitfalls to formalising an informal rental housing market, discussion with all stakeholders in workshops allow for an encompassing strategy.

## New level of service for backyard dwellers

The housing and water sector should consider a differentiation between formal and informal tenants through the RHA as it could provide the basis to introduce a new level of service for backyard dwellers which may not necessarily meet the FBS but is better than no service at all. This level of service could be more affordable and attractive for the landlord.

### Further reading:

To obtain the report, *The Provision of FBW to Backyard Dwellers and/or More than one Household per Stand (Report No. 1987/1/12)* contact Publications at Tel: (012) 330-0340; Fax: (012) 331-2565; Email: [orders@wrc.org.za](mailto:orders@wrc.org.za) or Visit: [www.wrc.org.za](http://www.wrc.org.za) to download a free copy.