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# **The plight of domestic workers: The elusiveness of access to adequate housing**

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## **1 BACKGROUND**

### **1.1 The Rainbow Housing Cooperative**

In 2000, a group of domestic workers, caregivers, cleaners, gardeners, caretakers, chauffeurs and restaurant/hotel workers approached the Development Action Group (DAG), a non-governmental organisation, to support them with project management, training, capacity development, advocacy and lobbying. Most members of the group resided in the Atlantic Seaboard area of Cape Town or in the Cape Town CBD. Low-income earners started this initiative in 1996 to address their housing needs and called their group Rainbow Housing as its membership represented the diversity of “the rainbow nation”.<sup>1</sup>

With the support and partnership of DAG, the members formed a cooperative and registered it as Rainbow Housing Cooperative Limited (Rainbow), a primary trading housing cooperative, incorporated under the Co-operatives Act<sup>2</sup> in May 2003. A housing cooperative is a joint ownership scheme whereby members are

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<sup>1</sup> Conveyed to the author by the Rainbow Housing Cooperative Executive Committee.

<sup>2</sup> Act 91 of 1981; subsequently replaced by the Co-operatives Act 14 of 2005.

shareholders with equal rights and obligations and each member is entitled to occupy a housing unit of the cooperative; that is, 1 member = 1 share = 1 vote = 1 unit.

The goals and objectives of the Rainbow Housing Cooperative are:<sup>3</sup>

- To save collectively on a monthly basis towards housing;
- To lobby key stakeholders for resources;
- To seek information, knowledge and skills to empower and mobilise members continuously;
- To improve the living conditions of members;
- To ensure that the Cooperative members' constitutional right of "access to adequate housing" is fulfilled and would result in the restoration of their dignity;
- To acquire, develop, hold and maintain immovable property on behalf of members; and
- To make housing units available for use by members in accordance with cooperative principles, namely: voluntary and open membership, democratic membership control, members' economic participation, autonomy and independence, education, training and information, cooperation among cooperatives, concern for community.

## **1.2 Institutional and organisational structure of Rainbow Housing Cooperative**

Members govern the business of the cooperative and attend monthly general meetings where they take key decisions, provide updates on project progress and where DAG conducts workshops to build the capacity of members. The general membership of the Cooperative is the highest decision-making structure. Meetings take place in either of two church halls, where the fundraising committee collects rental money for the halls from members at the meetings. Annually, expenses for hiring of venues for general meetings, the Annual General Meeting and fundraising, amounted to around R1 500. After the Cooperative made several requests to the City of Cape Town, it agreed to make available a civic venue for meetings free of charge.

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<sup>3</sup> Rainbow Housing Cooperative *Business Plan* (2007).

The executive committee members represent the active leadership of the organisation and meets weekly. Regardless of the committee's working arrangements, its members contribute their time without compensation.

The savings and fundraising committees are sub-committees and work closely with the executive committee. The savings committee's main task is to administer and monitor savings and to provide regular financial reports to members. The savings committee opened a pool savings bank account, and members are required to save a minimum of R50 per month to earn one point on a monthly basis. The Cooperative uses the point allocation system as a criterion for housing allocation: members with more points are placed at the top of the waiting list and will be allocated a housing unit before non-savers. This encourages members to increase their options by saving towards the shortfall.

The fundraising committee is responsible for arranging small fundraising activities for the project such as raffles, markets/bazaars, and so on. The committee is responsible for depositing all funds raised, as well as other organisational monies such as membership fees, into the Rainbow Housing Cooperative's account separately from savings.

### **1.3 Development Action Group as support organisation**

Development Action Group (DAG) promotes pro-poor and participatory urban development, empowering and supporting marginalised citizens to engage government on their rights and responsibilities. DAG influences urban development policy and practice whilst supporting and capacitating poor communities to triumph over the effects that poverty and apartheid-era urban form and function continue to have on their living conditions. DAG contributes to urban development discourse and influences development policy and practice through research, training, demonstration projects and partnerships with communities. The organisation's vision is the creation of sustainable human settlements through development processes that enhance human rights, dignity and equity, and to build capacity and assist citizens to expand and make use of the resources available to them.

Since 2000 DAG has played a key role as support organisation to the Rainbow Housing Cooperative in organising the group into forming and registering as a legal entity. It has provided support to the Cooperative through facilitation and coordination of its initiative; organisational development through building the capacity of the leadership and general membership by means of skills transfer, information sharing and experiential learning; lobbying of key stakeholders for

resources; engaging with government; engaging with policies and development initiatives; conducting project related surveys/research; networking with projects of a similar nature to create meaningful relationships; technical assistance in the analysis of identified properties, developing plans, as well as implementing participatory design processes (house design, layout plans, etc.). Rainbow and DAG lobby extensively at local, provincial and national government level.

#### **1.4 Socio-economic profile of Rainbow members**

The direct beneficiaries of Rainbow Housing Cooperative are low-income households. At the end of 2005 two executive committee members, with the support of DAG, undertook a socio-economic survey of 162 Rainbow members to compile a profile of members. This formed an important part of the business plan requested by the City of Cape Town's housing department to ascertain housing need, affordability levels and financial feasibility. As part of a value system that promotes community participation and community empowerment, it was important to both DAG and Rainbow that members of the cooperative conducted the interviews. Cooperative members felt comfortable providing information to executive committee members whom they knew and trusted.

The information presented here is based on the 2005 survey results. There were approximately 300 registered members on the project's waiting list, of whom 83.5% were female. More than 79% of members were single, while only 14% were married. At the time the largest single group of members (33%) fell within the age group 31-40 years, while 29% fell within the age group 41-50 years. Members in the 20-31 age-group constituted 10% of members while 19% were between the ages of 51 and 60 years. Five percent of members were over the age of 60. Seventeen percent of members had been living in the area for up to five years, with 20% having lived there between six and ten years. Thirty-three percent of members had been living in the area for 16 years and longer, while 5% of those members had been residing in the area for longer than 35 years. Only 12% of Rainbow members had partners living with them, while 4% had partners living elsewhere in Cape Town and 2.5% had partners living in another province.

More than half of members (57%) had achieved secondary school education, with one quarter being in possession of a matriculation certificate. Four percent were qualified beyond matric. Only 12% had education levels below Grade 8.

More than three-quarters of members (77%) were permanently employed, and more than half (56%) of members were employed as domestic workers, housekeepers or cleaners. Forty-three percent of members had been with their

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current employers for up to five years, while 25% had been with their employers for six to ten years. Twenty-two percent had been with their employers for 11 to 20 years and 4% had been with their employers for 21 to 35 years.

The majority of members (68.5%) worked in the Sea Point / Atlantic Seaboard area, and 71% also lived in the area when they were not working. Household sizes of members were as follows: 16% lived alone, 42% had one or two other people living with them, 32% had three to five people living with them, while 3% lived with six or more people.

Sixty-nine percent of members either lived in one room with a toilet at the back of their employer's house or in one room with a shared kitchen and toilet in a block of flats. Rainbow members, especially domestic workers, were particularly vulnerable when ill, as 64.5% indicated that they stayed in their rooms at their places of employment. During the decade that DAG has been supporting the group, at least four members of the group had passed away alone in their rooms and were only found days after. This is a very sensitive and painful issue for members, which they attribute directly to their inadequate housing conditions.

The vast majority of members (90%) had children, but only 30% of members' children were living with them. Reasons for children not living with members included inadequate living space in domestic quarters and employers' prohibition of children living with employees, as well as overcrowded conditions in rental flats.

Just over half (53%), received their monthly income from one primary job, while the rest received monthly income from their primary job and other odd jobs. This indicates a degree of livelihood strategy diversification, where the main income is augmented by additional sources of income. Eleven percent of members did not save regularly on a monthly basis, while 63% saved up to R200 per month and 8% saved between R201 and R400. Sixteen percent had monthly savings of R401 or more. Members reported that they would substantially increase their savings if there were a tangible possibility of access to housing.

Nearly three-quarters of members' households (72%) earned between R1 001 and R3 000 per month, rendering them eligible for the national government's housing subsidy, and thus formed part of the approximately 74% of employed persons aged 15 to 65 years nationally with monthly incomes below R3 200.<sup>4</sup> Another 7% earned monthly incomes below R1 000, pitching them in the special

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<sup>4</sup> Statistics South Africa *Census* (2001).

needs housing band. Households earning more than R3 001 per month totalled 16.5%. It is apparent that the income levels of the majority of members posed a challenge to the sustainability of the institution. However, through creative solutions, and especially with the support of local government, the challenge of sustainability could be overcome.

## **2 THE CONTEXT**

### **2.1 The challenge**

Set against the historical background of apartheid, the plight of domestic workers is that of working long hours, heavy workloads, high levels of control, regimented lifestyles, power imbalances between workers and employers, lack of privacy, and high levels of employment and housing insecurity. Notwithstanding the critical and valuable work that domestic and other low-income workers do, and their significant contribution to the country's development in economic terms, they continue to be a marginalised and vulnerable group. According to Magwaza,<sup>5</sup> the number of domestic workers in South Africa is estimated at around one million, of whom over 90% are black women. Domestic workers in private households accounted for an estimated 8.7% of all employees, and 18.7% of women employees in 2003 – in other words, almost one in five of all South African women in employment.

As mentioned above, more than half of Rainbow Housing Cooperative's members are employed as domestic workers, while the remainder work as restaurant or hotel workers, gardeners, cleaners, shop assistants and caregivers in well-located, affluent areas. Domestic workers are low-income earners who need to be accommodated in rental units that are affordable, based on the international guideline that monthly rental should not exceed 25% of household income. Nearly half of the Cooperative's members are paying for rented accommodation while the other half has managed to negotiate a live-in arrangement. At the moment, 32.5% pay rental of less than R500 per month, while 13.5% pay between R501 and R1000 per month. Looking at the expenditure pattern, it is clear that a significant amount of financial management is currently required to make ends meet. In many ways a stable housing environment will allow for significantly easier financial management. An estimate

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<sup>5</sup> Thenjiwe Magwaza "Effects of Domestic Workers Act in South Africa: A steep road to recognition" *Agenda* No 78 (2008).

of affordable monthly rental would be between R500 and R750 per month for the majority of members.<sup>6</sup>

Rainbow members' vulnerability vis-à-vis housing is mainly due to low incomes, often insecure employment arrangements and low levels of tenure security. For those workers residing at their places of employment, the conditions under which they live are often far from ideal. Employers often exploit the fact that they remain on the premises by calling on them to perform household chores after hours, even if they are off-duty. Many employers do not allow families or partners of domestic workers to stay with or visit them without permission. This is a source of frustration, especially for those with younger children. Living separately from partners also raises questions around issues of HIV/AIDS. One member, living in domestic quarters in Oranjezicht, told the author that her employers only allow her husband to stay with her one weekend per month: "what can I do if my husband wants to take another woman?"

Low wages in the service sector make it extremely difficult for domestic and other workers to live far from their places of employment. Coupled with high transportation costs, long and irregular working hours, safety and security issues whilst travelling to and from work, they are unable to afford – financially, socially and time-wise – to be located on the outskirts of the city. Domestic and hospitality industry employees working in well-located areas require land or buildings which are in close proximity to their workplaces and urban facilities and amenities, accessible by public transport and affordable to vulnerable households. The Rainbow Housing Cooperative has therefore actively and extensively lobbied politicians, officials and leadership of the three spheres of government over an extended period to secure government-owned land, public rental opportunities and appropriate buildings in or around the Atlantic Seaboard, in the inner city area, as part of a broader urban renewal strategy.<sup>7</sup>

## 2.2 The South African urban development context

South Africa has a long history of colonisation and institutionalised racism which has resulted in great inequalities and racial divisions. Between 1991 and 2001, South Africa's Gini coefficient (which measures income inequality) increased from 0.68 to 0.77 (0 being absolute income equality and 1 being absolute income

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<sup>6</sup> Rainbow Housing Cooperative *Business Plan* (2007).

<sup>7</sup> See Rainbow Housing Cooperative *Business Plan* (2007) for extensive list of advocacy and lobbying activities.

inequality).<sup>8</sup> South Africa currently ranks as the most unequal country in the world in terms of income.

The last fifteen years have seen a complex and evolving policy framework and a related persistent restructuring of local government bodies, as well as a gradual decline and evolution of civil society in South Africa. Changes in macro-economic policy have meant that many social development initiatives are underfunded and have not had an optimal effect. Despite this, South Africa has a rich tradition of community-based organisations; participation in cooperatives, *stokvels* (savings clubs), burial clubs, church associations and sports clubs help communities to cope with everyday life.<sup>9</sup>

Until 1996 there was no single housing market for South Africans and there were no coherent national housing and settlement policies. Housing therefore became a political rallying point during the struggle for liberation and majority rule and a top priority for the post-1994 government. Government's advancement of the right to adequate housing and related policy shifts have been significant. Major inroads have been made into the complicated housing framework inherited from the previous government to meet the challenge of housing millions of homeless and inadequately housed citizens.<sup>10</sup> Major policy shifts resonating with a rights-based approach emphasised co-ordination and policy alignment, improving the quality of the end product and urban environment.

Despite the delivery of about 2.6 million subsidised houses (mainly on the urban periphery) between 1994 and 2008,<sup>11</sup> the number of families living in inadequate housing in urban areas grew rapidly during this period. Housing rights, as an organising principle for housing policies and programmes, are not explicitly mentioned and the participation of citizens and civil society in housing-related decision-making is not emphasised. Today the housing crisis is an important dimension of the overall poverty problem in South Africa, especially given that land and property markets exclude the poor.

Section 25 of the Constitution, relating to property rights, states that government "must take reasonable legislative and other measures within its

<sup>8</sup> Craig Schwabe "Fact Sheet: Poverty in South Africa" Human Sciences Research Council (2004).

<sup>9</sup> Anzabeth Tonkin *Sustainable medium-density housing: A resource book* Development Action Group (2008).

<sup>10</sup> *Ibid.*

<sup>11</sup> Budget speech by LN Sisulu, Minister of Housing, 28 May 2008, available at <http://www.pmg.org.za/briefing/20080528-housing-ministers-budget-speech> (accessed 17 July 2010).



available resources, to foster conditions which enable citizens to gain access to land on an equitable basis".<sup>12</sup> The judgment of the Constitutional Court in the *Grootboom* case<sup>13</sup> and other court rulings have, in the light of international recommendations, interpreted what this right means for the State. The key principles are that:

- the State must establish comprehensive and coherent programmes capable of facilitating the realisation of the right;
- the measures adopted by the State must be "reasonable" within their context and the availability of resources;
- the needs of the most vulnerable require special attention, and the State must "devise, fund, implement and supervise measures to provide relief"<sup>14</sup> to those in desperate need. In contrast to international interpretations of the obligations of the State, the South African courts have rejected the concept of an individual right to a minimum core entitlement and have instead emphasised the collective right to a reasonable policy.

In terms of housing affordability, the Banking Council of South Africa estimated that only 20% of new households could afford mortgage loans to buy housing on the market and only 22% of households had access to non-mortgage finance (typically loans of less than R10,000). Up to 80% of new households were therefore unable to gain access to adequate housing on their own, and this proportion has continued to increase.<sup>15</sup>

The politics of housing and other areas of delivery has made politicians and officials averse to collaborative action, placing sustainable solutions further out of reach. The competitive nature of party politics and the tendency to use housing as a political football perverts the delivery process.<sup>16</sup> Party political dynamics in the Western Cape, where inter-governmental cooperation was challenging in the past due to a provincial government led by the African National Congress and local government led by the Democratic Alliance, affected Rainbow particularly

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<sup>12</sup> Constitution of the Republic of South Africa, 1996.

<sup>13</sup> *The Government of the Republic of South Africa v Grootboom* 2000 (11) BCLR 1169 (CC); 2001 (1) SA 46 (CC); <http://www.saflii.org/za/za/cases/ZACC/2000/19.html>.

<sup>14</sup> *Ibid* at par 96.

<sup>15</sup> Richard Tomlinson, Gemey Abrahams and Burgert Gildenhuis *Element 3 – Policy and Research Agenda Report: the Changing Nature of South African Housing Demand* Consultants' Report Mega Tech Inc (2003).

<sup>16</sup> Development Action Group *Contextual Analysis* (2006).

negatively – for instance, setting up an inter-governmental task team proved to be difficult and unsustainable. Meeting South Africa’s urbanisation challenges, however, depends largely on how the three spheres of government and other important role players, such as civil society and the private sector, are able to work together to address problems and seize opportunities.

The two elements that doubtlessly have the most potential to integrate a highly divided society, namely housing and land, have not been utilised creatively to integrate, equalise and assimilate. Inadequate housing conditions have enormous implications for the general well-being of society. It impacts negatively on women especially as they are usually most vulnerable when evicted, and housing is the base for raising children and family life. The absence of parents, as well as overcrowding and inadequate access to services, can negate the effects of health and education programmes and affect children adversely.

The members of Rainbow Housing Cooperative have lost faith in government’s housing programmes and, in particular, with government’s failure to intervene in the land and property markets in the interests of poor households. Although government has made many legislative changes that greatly improved the working conditions of domestic workers, huge gaps exist between policy and practice regarding the provision of affordable, adequate housing on well-located land for households with incomes below R3 500 per month. Appropriate housing and security of tenure are two important needs that continue to elude Rainbow members. Currently, there is no clear and tested programme in place to accommodate low-income employees working in well-located areas such as the Cape Town CBD and environs.

### **3 HOUSING AND POLICY CHALLENGES**

#### **3.1 The social housing challenge**

The national Department of Human Settlements’ sustainable human settlement plan, *Breaking New Ground*,<sup>17</sup> encourages all forms of rental accommodation and calls for the complementary spheres of government support this initiative. The strategy prioritises rental accommodation and stipulates that rental housing accommodation will be made available for all income categories of the population including those receiving social grants, the aged and migrants.

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<sup>17</sup> Department of Housing *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements* (2004). The Department was renamed the Department of Human Settlements in 2009.

Provincially, progress has also been made at policy level. In 2005 the Member of the Executive Committee (MEC) for Local Government and Housing of the Provincial Government of the Western Cape appointed a Reference Group (of whom DAG was a member) to prepare a Discussion Document that informed the development of a Strategy and Implementation Plan in the Western Cape for “Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements”.<sup>18</sup> The document put forward recommendations to address the need for housing for special groups such as domestic workers and low-income employees working in well-located areas. The Reference Group presented the document at the Department of Provincial and Local Government’s Sustainable Human Settlements Summit at the end of November 2005, which informed the Western Cape Sustainable Human Settlement Strategy, *Isidima* (June 2006).

Both Rainbow and DAG considered this an important step towards providing affordable and adequate housing for low-income households across the province. The recommendations emphasised the importance of cooperation between local and provincial government in securing land and/or buildings for low-income earners. However, to date Rainbow has not benefited from this. In the Social Housing Policy for South Africa, social housing is defined as

“a rental or cooperative housing option for low income persons at a level of scale and built form which requires institutionalised management and which is provided by accredited social housing institutions or in accredited social housing projects in designated restructuring zones”.<sup>19</sup>

According to the Social Housing Policy, the social housing model is designed to reach the primary market (R1 500-R3 500) as well as the gap housing market (R3 501-R7 500). In order to qualify for the capital grant on every unit, a project must

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<sup>18</sup> See n 17. The draft Discussion Document can be found at [http://www.capecapegateway.gov.za/Text/2005/10/discussion\\_document\\_20051018.pdf](http://www.capecapegateway.gov.za/Text/2005/10/discussion_document_20051018.pdf) (accessed 17 July 2010).

<sup>19</sup> Republic of South Africa *Draft Social Housing Policy: Towards an enabling social housing environment in South Africa* (2003) 8; “low income persons” is defined as “those whose household income is below R7 500 per month”. See [http://www.dhs.gov.za/Content/legislation\\_policies/Social%20Housing%20Policy.pdf](http://www.dhs.gov.za/Content/legislation_policies/Social%20Housing%20Policy.pdf) (accessed 17 July 2010).

have at least 30% of units contributing to deep downmarket reach with maximum rentals no higher than R2 500.<sup>20</sup>

However, according to calculations by the Support Programme for Social Housing in April 2006, a minimum monthly household income of R2 400 is required to pay for rents and services.<sup>21</sup> This means that social housing (excepting transitional, special needs and communal housing, of which limited stock is produced) is not about the provision of affordable (rental) housing for low-income earners such as the Rainbow Housing Cooperative. In some communities, unrealistic expectations were created by the prospect of access to social housing. Therefore, in the South African context, “social” housing is “social” in so far as it utilises government subsidies for households earning between R2 500 and R7 500, but not in the sense of housing intended for households earning below R2 400.

At the time of formalising the Cooperative, Rainbow members selected social housing as their preferred housing tenure option. Cooperative housing is a form of social housing, where a housing management company or cooperative develops and manages primary housing cooperatives, such as Rainbow. The objective of a cooperative is to provide consumer goods (housing, in this case) to its members at affordable rentals, and therefore cooperatives usually originate from an economic need that arises from the hardship of people – hence the adage “cooperatives are born out of necessity”. In a housing cooperative, no member owns an individual house or flat, but each is an equal shareholder in the cooperative that owns the whole development. Housing cooperatives require a contribution towards the costs of housing units and help members obtain these funds through savings schemes. Members pay monthly charges to cover the actual costs of developing and managing the cooperative properties. No one makes a profit out of these charges. The importance of a social housing institution becomes clear, but there is no social housing institutional partner willing to fulfil this role for a cooperative whose members are low-income earners.

Less than 15% of Rainbow members are eligible for conventional social housing, reflecting provincial and national trends for this income group. This makes it virtually impossible for a social housing institution to accommodate the majority of Rainbow members in their housing projects. The cooperative is

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<sup>20</sup> *Ibid.* “Deep downmarket” refers to rents falling between this level and the lowest possible rental, which is operating cost per unit assumed to be R500 per month, implying an income of R1 500 per month.

<sup>21</sup> Robert Cohen Support Programme for Social Housing Personal communication (2006).

therefore “unattractive” to social housing institutions, as the viability of the institution is at risk from the outset. However, the cooperative needs an entity or institution to develop the housing and manage the cooperative on the long term – a function that cannot be fulfilled by DAG or government.

Despite high levels of commitment by Rainbow Cooperative members, low levels of sophistication of members regarding financial and management practices predictably will militate against the long-term success of the cooperative.

Some of the major affordability challenges facing a low-income group such as Rainbow include monthly incomes too low to be eligible for social housing, exorbitantly high property prices in the Cape Town CBD and environs, resistance from private property owners, obstacles on government’s side in contributing land and/or buildings, and the absence of public rental housing opportunities. A critical advocacy and lobbying issue at a policy level, therefore, is the need for public rental housing on well-located land for households earning below R2 500 – monthly rentals for public rental housing are typically in the range of R500 to R750.

In 2007 the City of Cape Town’s social housing branch proposed that the potential of the recently introduced Community Residential Units Programme (CRU) should be explored as a possibility towards addressing Rainbow’s housing needs. The CRU Programme was introduced in 2007 and is a low-income subsidised rental housing instrument, of which the success and application still needs to be tested.<sup>22</sup> In Cape Town it is predominantly applied to hostel upgrade projects.

The potential of the rental sector to contribute towards urban renewal, restructuring of the apartheid city and poverty alleviation is increasingly recognised.<sup>23</sup> Unfortunately, to date the potential for dignified and affordable subsidised rental housing for low-income earners on well-located land has not translated into real opportunities. Evidently there is a need for rental housing in Cape Town, but it is generally underestimated as an important conditionality and collective asset that can be used by successive generations for sustainable human settlement advancement.

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<sup>22</sup> Department of Local Government and Housing *Policy Framework and Implementation Guidelines for the Community Residential Units Programme* Circular Minute No 3 of 2007.

<sup>23</sup> Housing Finance Resource Programme “An assessment of rental housing in South Africa” *Occasional Paper* (April 2002) 5; prepared by Sigodi Marah Martin – Matthew Nell & Associates, funded by USAID.

Over the past fourteen years, officials and politicians have cited the following reasons for the lack of progress in addressing the Rainbow Housing Cooperative's needs:<sup>24</sup>

- Lack of staff and human resources in government, especially local government;
- Difficulty within the existing housing financing framework to deliver well-located social housing for households with incomes less than R3 500 per month;
- Lack of staff and resources to support cooperatives, especially in the initial stages;
- Lack of provision of well-located public rental housing;
- Lack of political will to accommodate low-income households in well-located areas;
- Difficulty in accessing well-located land and high costs of developing affordable housing that is well-located; and
- Lack of inter-governmental cooperation.

#### **4 NOT YET THE END OF THE ROAD**

At the beginning of December 2007, spirits were high when the ward councillor and an official from the City's housing department officially announced at Rainbow's general meeting that the prospect of obtaining access to Community Residential Units in Sea Point was becoming a reality. The official stated that "old housing tools are not working for new problems". Provincial government identified a block of public rental units as the only social housing building in Sea Point that could be converted to CRUs. There is also space on the property for the addition of more units of up to five storeys. Units would be two to three bedroom flats, and indigent rental could be attached to the programme that would provide secure tenure to otherwise vulnerable people. Opportunities also exist in the project for employers to contribute and for the cooperative to lease the property from the City. However, the City still needed to obtain in principle commitment from the Department of Public Works.

In August 2009 the ward councillor, the chairperson of the City' Housing Portfolio committee and an official from the City's Housing Policy and Research

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<sup>24</sup> Anzabeth Tonkin *Sustainable medium-density housing: A resource book* Development Action Group (2008).

branch made encouraging announcements at the Cooperative's general meeting about transferring ownership of the abovementioned property from provincial to local government; renovation and extension of the building; setting up a trust on behalf of the Cooperative; and amending the City's housing policy to allow people who live in the area to have first access to local rental accommodation. The City's willingness to deal creatively with issues of housing and land encouraged both DAG and Cooperative members, and discussions between Rainbow and the City are ongoing. However, without Rainbow's constant pressure on officials, the wheels of bureaucracy generally turn slowly. To date there has been no progress regarding this matter.

## 5 CONCLUSION

Housing is a facilitative right and is one of the most powerful tools at the disposal of government in transforming the spatial and social legacy of fragmented, segregated and sprawling cities. Local government, the sphere closest to communities, is best placed to make cities inclusive and allow vulnerable citizens to enjoy the benefits of urbanisation and to access basic rights, especially the right to adequate housing. Hence, Rainbow Housing Cooperative's major engagements since 1996 were at local government level. Disappointingly, the opportunity to provide affordable and sustainable housing for a group of vulnerable but dedicated and well-organised citizens of Cape Town proved to be more of a challenge to government officials than an opportunity to identify what is missing and rectify non-workability in terms of inter-governmental and interdepartmental cooperation, housing policy gaps, access to and finance of well-located land and buildings, as well as the overall functioning of the land and property market that excludes the poor.

The absence of appropriate policy and housing instruments to address the needs of low-income urban households required DAG to lobby more intensively at a policy level rather than to continue engagement with officials about project-level issues. Furthermore, during the past few years DAG's organisational strategy shifted from a focus on access to housing to that of a focus on access to land, which emerged to be the underlying impasse of South Africa's urbanisation challenges. This decisive shift was informed by lessons from projects such as Rainbow.

Rainbow Housing Cooperative's contribution to the affordable inner-city housing and land access debate poignantly demonstrates the schism between government's housing vision, policy intentions and praxis. The experience of the Rainbow Co-operative is hardly surprising, given that the operation of

unregulated land and property markets excludes the majority of South Africans from accessing adequate housing and yet goes unchallenged by government.

The most important project-level experiences emanating from the Rainbow Housing Cooperative case are that a group of marginalised citizens, predominantly poor and generally considered “invisible” to society at large, formulated advocacy and lobbying tactics, developed leadership and partnership, took responsibility for their housing situation, committed to their organisational vision and structures, and continued the struggle to realise their human rights despite demotivating circumstances. These are some of the most critical issues relating to empowerment and development and attest to the fact that, against all odds, domestic workers have entered the corridors of power. Yet, the struggle continues.

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### **Case law**

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### **Legislation**

Constitution of the Republic of South Africa, 1996.

Co-operatives Act 91 of 1981 (since replaced by the Co-Operatives Act 14 of 2005).