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PLAN TO RECLAIM HIJACKED BUILDINGS

Strategy entails early detection

LOYISO SIDIMBA AND GENEVIEVE SERRA

THE government has announced ambitious plans for hijacked and abandoned buildings it owns across the country, including establishing a dedicated team to assist with investigations.

The new strategy will entail early detection and intelligence gathering on potential invasion of state land, hijacking of unoccupied buildings, and rapid response to eviction of illegal occupants before 48 hours elapse as prescribed by law.

It is hoped that the approach will include investigations and arrests of shark landlords and state-owned building vandals and/or looters, and provision of security and escort services for government officials during site visits to illegally occupied land and buildings.

The plans include the arrests of undocumented foreign nationals and on state-owned properties they unlawfully occupy. The government will provide security services to the sheriff of the court on serving illegal occupants with eviction court orders as well as during eviction operations.

Nyeleti Mthethwa, deputy director-general responsible for real estate management services at the Department of Public Works and Infrastructure (DPWI), revealed details of the plans last week during the SA Local Government Association's (Salga's) two-day national municipal legal practitioners' forum.

The stakeholders the DPWI wants to be involved in include the South African Police Service, Justice and Home Affairs departments, Salga, municipalities, and businesses. The DPWI is in total looking at 1 287 properties that were identified by an Ernst and Young forensic investigation in 2016, and since then, the department has undertaken a due diligence exercise to determine the nature of the illegal occupation so that the appropriate action may be taken.

Results of the preliminary internal verification processes revealed that there are mainly four categories of illegally occupied properties – irregularly occupied (residential), which involves family members of former public servants who may have passed on and left their relatives in the houses or due to changing government housing policies. The government plans to regularise their stay in the properties by signing lease agreements and payment or rental.

Illegally occupied (residential, vacant land, and commercial buildings) involves active and deliberate illegal occupation of government property. The government's strategy is to evict and recover its properties from the illegal occupiers.

DPWI hijacked and neglected building at, 104-106 Darling Street, Cape Town, which has been earmarked to be reclaimed following an eviction by the Minister's office. According to housing rights activists and law centre, Ndifuna Ukwazi, they will be fighting this eviction next week at the Western Cape High Court on April 9. The organisation and law centre said last night the building was home to more than 60 people who have been living there for decades.

"That's the reality facing over 60 people, adults and children, living at 104-106 Darling Street, Cape Town, as the National Minister for Public Works, Dean Macpherson pushes for their urgent eviction with a

materially incomplete and defective eviction application, no proper notice or any plan for where they'll live," they argued.

"These families and individuals, some of whom have lived in the building for over 20 years, are taking a stand."

With the help of Ndifuna Ukwazi Law Centre, they said they filed an opposition to stop eviction. Caitlin Turck, attorney for the NU respondents said: "While the National Minister's application cites the apparent inhabitability of the building and seemingly a concern for people's safety as reasons for pursuing an urgent eviction, he has not substantiated these claims, provided any proof of this or complied with any of the requirements for an urgent eviction order in terms of PIE."

She said the hard facts were as follows: "Almost all of the families and individuals represented by Ndifuna Ukwazi Law Centre will end up homeless if this eviction goes through."

"The median household income is just R3 900, while basic food costs eat up R1 500. Half of these households have less than R1 000 left after essentials, formal housing is out of reach."

"Many also support extended family members ('black tax'), making rent even more impossible. Some already spend 100%+ of their income on food alone – an eviction would be devastating."

"This isn't just a Cape Town problem. Around the world, the eviction crisis hits the most vulnerable the hardest. The UN and global housing advocates say that governments must provide solutions before displacing people."

Ayabulela Gwenzane, one of the residents added: "This isn't about safety – it's about kicking out vulnerable people without offering solutions."

"If the Minister really cared, they'd help us fix this building instead of pushing us into homelessness."

According to the court eviction application by DPWI, which was shared with the *Cape Argus* and dated February 21, 2025, the matter set down for April 9, seeks for an urgent notice as an interim eviction, with the assistance of the Sheriff of the Court and the police and that notices on boards would be displayed as to inform the occupants and personal belongings to be removed.

The 70 page eviction application also states that in 2024, an Occupational Health & Safety Report was obtained which deemed that the premises was a health hazard in terms of insect infestations, water leaks, structural cracks, and asbestos material and highly flammable material was present.

Copies of the prior eviction notices including photographs of the derelict building were cited as their case and argument for an eviction.

In August 2024, Macpherson together with City Mayor, Geordin Hill-Lewis embarked on a tour of neglected and hijacked buildings under their domain and committed to working together to find solutions to ensure solutions were reached.

During his March 2024 progress reports since he took office, Macpherson said they had managed to release 31 public properties valued at R1.4 billion for requests for proposals under the first phase of redevelopment, which is expected to attract R10bn in private investment and create 165 000 jobs.