



**20 September 2016**

**Ndifuna Ukwazi press statement: Bromwell Street families take City of Cape Town to court**

The Bromwell Street families stand to be evicted from their homes on Monday, 26 September 2016. They have nowhere to go, and will be rendered homeless.

Earlier this month, Cape Town Mayor Patricia de Lille met with the tenants at their homes and offered to intervene. In spite of securing an extension to the eviction date, the Mayor's intervention has not amounted to a concrete solution for the residents. All attempts to engage with the City have been unsuccessful, and the residents are still faced with homelessness in 6 days.

The City does not believe that it has an obligation to assist tenants with the provision of temporary accommodation in the aftermath of evictions initiated by a private party.

Today, the Ndifuna Ukwazi Law Centre, representing the Bromwell Street families, brought an urgent application before the Western Cape High Court to compel the City to meaningfully engage the tenants and to provide them with temporary alternative accommodation. Our attorneys have requested that the eviction be stayed, until the court has ruled on City's obligation to provide the residents with temporary accommodation. The application is likely to be heard on Friday.

Cape Town is in the midst of a housing and segregation crisis. No state funded inner city affordable housing has been built since the end of apartheid. The state continues to sell off prime public land, suitable for housing delivery, to private sector property developers. Poor black African and coloured families continue to be priced out, evicted and removed from Woodstock and other inner city neighbourhoods.

This application will seek to affirm the City's obligation to Bromwell Street's families, a principle which should extend to other working class people who face eviction and removal from their homes. It should pave the way for an overdue program to provide evictees with temporary alternative accommodation, as near as possible to the homes from which they are evicted.

**Summary of the application**

The Bromwell Street families were prejudiced in the court proceedings which led to the Woodstock Hub securing an eviction order against them in March 2016. This order was handed down after a purported agreement between our clients and the Woodstock Hub, via their respective legal representatives at the time. The eviction order was therefore not granted following a full hearing, where the court determined whether an eviction would be just and equitable as required by the Prevention of Illegal Eviction and Unlawful Occupation Act. Our clients have maintained that they were not privy or in agreement to the eviction order. An eviction following from that order would not be just and equitable, because it will render our clients homeless and destitute.

Our clients were ordered to vacate their homes by 31 July 2016. They have attempted to find suitable and affordable alternative places to stay, but could not. The vacation date was postponed to 9 September 2016, after another agreement between the tenants and the Woodstock Hub, and again to 26 September 2016, after an intervention by City of Cape Town Mayor Patricia de Lille.

At a visit to our clients on 8 September 2016, Mayor De Lille said that the City did not have an obligation to provide our clients with temporary alternative accommodation in the area. She however undertook to look into the possibility of availing City owned land in the area to relocate and rehouse our clients temporarily.

In this application, we will argue that the Mayor's claim that the City does not have an obligation to provide temporary alternative accommodation for the Bromwell Street families has no merit and is contrary to the obligations of a municipality as pronounced upon in a number of Constitutional Court and Supreme Court of Appeal decisions. For example, in 2011, in the *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another* matter, the Constitutional Court ruled that municipalities were constitutionally obliged to provide evictees with temporary alternative accommodation as near as feasibly possible to the area from which they are evicted.

*For queries:*

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