



Press Statement

7 April 2022

SOCIAL MOVEMENTS & ORGANISATIONS CALL FOR NATIONAL EVICTION MORATORIUM TO BE EXTENDED TO PREVENT A CATASTROPHIC RISE IN HOMELESSNESS

Following President Cyril Ramaphosa's announcement that the government would lift the Disaster Management Act regulations with regard to the COVID-19 pandemic on 4 April 2022, 32 social justice movements, civil society organisations and activists fighting for land and housing rights have called on the Presidency and the National Command Council to extend the national moratorium on executing evictions until the state produces a sustainable solution to mass foreclosures, evictions and the resultant homelessness.

The President's statement is silent on what the state's position is with respect to the moratorium on evictions.

The last two years have been testament to the importance of the home in the preservation of human life. The reality is, the economic fallout of the pandemic will continue to pose a very real threat to hundreds of thousands of poor and working class families of losing the roof over their heads.

Instead of viewing housing as a commodity, the state has a renewed obligation to protect the social function of housing. In keeping with the imperative to save lives, distressed families and ensuring social stability, the government has a duty to ensure individuals, families and communities emerge from this pandemic whole; without crippling debts and without facing eviction or homelessness.

As social movements, community based organisations and civil society, we have repeatedly stressed, the pandemic has only exacerbated the endemic systems, lack and dispossession manifest in asset and income insecurity. The surge in homelessness in municipalities like the City of Cape Town, is indicative of an acute shortage of affordable housing and/or economic security towards housing. Observations from global institutions show that the manner in which people have been disenfranchised by the pandemic could overwhelmingly be linked to a lack of adequate and affordable housing.

Housing is a basic human need. It is also a universal human right enshrined in the South African Constitution, the Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights. Despite this, the need to enact and protect this right has been severely undermined by the state - at all levels.

The lifting of the national moratorium on evictions will have disastrous consequences for those living with precarious tenure. Specifically, regulation 70 empowered courts hearing eviction proceedings to delay the execution of evictions until after the National State of Disaster lapsed. In terms of the PIE Act and regulation 70, courts can only grant an eviction order if an eviction would be just and equitable *after* considering all the relevant circumstances, including any pandemic-related circumstances like families losing their income as a result of the pandemic. Crucially, the availability of alternative accommodation to house evictees *must* be available as our courts have unequivocally pronounced that no eviction may lead to homelessness.

If the government lifts the ban on evictions now, the country will face a secondary crisis of foreclosures, evictions and homelessness in the wake of a global health crisis. And, as has been the case throughout lockdown, we are deeply concerned about the continuing illegal evictions and demolitions as carried out by the government - including municipalities across the country - and private actors.

We call on the government to use empowering legislation to expedite the response to the immediate consequence of pandemic: a crisis of evictions and homelessness, specifically preventing failure to pay rent or bonds while placing mechanisms in place for requisite relief funds for tenants, landlords and bond payers.

Housing is the basis of stability and security for an individual or family. The centre of our social, emotional and sometimes economic lives, a home should be a sanctuary—a place to live in peace, security and dignity.

- United Nations Special Rapporteur on the Right to Adequate Housing, Balakrishnan Rajagopal.

- Read the letter to the Presidency and National Coronavirus Command Council here: https://nu.org.za/wp-content/uploads/2022/04/Letter-to-Government_-Effect-of-Moratorium-ending.docx.pdf

The letter addressed to the President and the National Command Council has been endorsed by the following social justice movements and organisations:

- Ndifuna Ukwazi

- Reclaim the City (RTC)
- Abahlali baseMjondolo
- Afesis Corplan
- Alliance for Rural Democracy (ARD)
- Association for Rural Advancement (AFRA)
- Centre for Applied Legal Studies (CALS)
- Development Action Group (DAG)
- Dullah Omar Institute (DOI), University of Western Cape
- Equal Education
- Equal Education Law Centre
- Housing Assembly
- Institute for Poverty, Land and Agrarian Studies (PLAAS), University of Western Cape
- Land Access Movement of South Africa (LAMOSA)
- Land and Accountability Research Centre (LARC), University of Cape Town
- Movement for CARE
- Nkuzi Development Association
- Organisation for Civic Engagement
- Planact
- Poor Flat Dwellers Association
- People's Health Movement
- Rural Democracy Trust
- Right 2 Know
- Social Justice Coalition (SJC)
- Social Policy Initiative (SPI)
- Socio-Economic Rights Institute of South Africa (SERI)
- Souper Troopers
- Stellenbosch Backyarder Dwellers
- Tshisimani Centre for Activist Education
- Women's Legal Centre

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ENDS

ISSUED BY NDIFUNA UKWAZI