

THE ROLE OF LOCAL GOVERNMENT IN EVICTIONS

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SUMMARY

Local government occupies a unique place in the South African system of government. This is circumscribed by the Constitution which contains directives enjoining municipalities inter alia to provide democratic and accountable government for local communities and to promote social and economic development (section 152) as well as to undertake developmentally-oriented planning (section 153). In addition local government has a specific role to play regarding access to adequate housing and, in that context, evictions.

In terms of sections 25 and 26 of the Constitution as well as legislation enacted in terms of these provisions new and different procedures have been put in place to demarcate the role of municipalities in evictions. The interpretation, by the courts, of these legislative provisions, has created a framework within which municipalities must react to and deal with evictions. In terms of that framework a number of duties and responsibilities are placed on municipalities, which include that they do the following: have policies, actions and programmes in place, draw up proper housing plans, be notified of evictions, mediate and engage with all stakeholders and provide temporary - and suitable alternative - accommodation of a specific standard, all of which must be consistent with principles of human dignity and be reasonable.

Against this background this paper will interrogate the role of local government in evictions, concentrating on the constitutional directives for municipalities, the different eviction procedures and the duties and responsibilities of municipalities.

KEYWORDS

Local government; evictions; local communities; municipalities; social and economic development; good governance; housing policies

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