



**MINISTRY
HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA**

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NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 41 (NW51E)

DATE OF PUBLICATION: 06 FEBRUARY 2025

QUESTION:

PQ 41. Mr M M Gasa (MK) to ask the Minister of Human Settlements:

What progress has been made in providing security of tenure to residents living in (a) informal settlements and (b) rural areas? NW51E

REPLY:

- a) As provided in South Africa's National Housing Code, informal settlements are defined on the basis of the following characteristics: illegality and informality; inappropriate locations; restricted public and private sector investment; poverty and vulnerability; and social stress.

Informal settlements by their nature of illegality and informality, they do not guarantee security of tenure until these settlements have been formalised through a legislated land development planning process, as provided for in the Spatial Planning and Land Use Management Act, 16 of 2013, after which land ownership can be conferred through individual title.

Residents in informal settlements that are earmarked for upgrading are allocated sites within formalized layouts, ensuring legal recognition and protection against eviction, also are ensured Permission to Occupy (PTOs) and Other Official Recognition Mechanisms. Many municipalities issue formal documentation such as Permission to Occupy (PTO) certificates, interim tenure agreements, or local administrative records that confirm a household's right to remain on a particular site. Our Departmental Branch known as Affordable, Rental and Social Housing is responsible for the support to provinces and municipalities in formalization process.

- b) In respect of rural areas, the National Department of Rural Development and Land Reform is charged with this responsibility to ensure the protection of informal land rights, as provided for in the Communal Land Rights Act, 11 of 2004.