

REPORT ON THE RENTAL SURVEY AND PROFILE OF BUILDINGS IN ALBERT PARK

A random survey of 106 occupants representing 18 buildings was conducted by the Organisation of Civic Rights (OCR)

INTRODUCTION

The OCR conducted a random survey of 106 occupants in Albert Park in June-July 1999. The School of Public Policy and Development Management through an interdisciplinary post-graduate program placed two of its second year MA students¹ as interns with the OCR for a period of approximately four weeks.

Background and Context for the Survey

The survey was conducted within the context of several developments in the Albert Park precinct. In March 1999 an Albert Park Upgrade Forum was formed comprising of various relevant community and local authority representatives / stakeholders². Its main objective in a generic sense was to ensure an integrated approach in upgrading the area, which is in urgent need of intervention to stop urban decay (including fast tracking solutions where possible).

In another "development" the Albert Park community has objected to the re-housing of approximately 1100 people from the Point area into Albert Park. The Ark Ministry had purchased apartment blocks to relocate its "social-out-reach" programme. However, community perception of the Ark is quite unfavourable and disapproving. The

¹ Jongi Ganyile and Fortunate Mhlongo

² Annexure "A"

community's evaluation of the way the Ark functions suggests the possibility of the upgrade programme in Albert Park being rendered ineffective. A recent court case, which found its director guilty of raping a nine year old girl further incensed the Albert Park community and intensified its apprehension of the Ark locating into its neighbourhood.

The Albert Park residents are also waging a battle to rid their area of prostitution and drug trafficking. Added to their list of problems that are hindering genuine improvements for the area is the substantial non-payment of levies in sectional title blocks which have led to serious deterioration of services and consequently of the buildings itself.

There are unscrupulous unit owners who are charging exorbitant rentals and maximising their income by overcrowding their flats with tenants. These unscrupulous landlords have not paid their levies totalling up to approximately R100 000.00 per owner. These landlords use heavy calibre guns to collect their rentals regularly from tenants (including foreign nationals) and ironically, directly contribute to the deterioration of buildings and shutting of services because of non-payment of levies³.

LOCALITY / HISTORY

The Albert Park area has attracted to its locality prostitutes and drug dealers, further contributing to the dowdy neighbourhood that has emerged in the once prestigious "whites" only inner city suburb. Albert Park is situated south-east of the Durban CBD, bounded by Russell Street in the west, Broad Street in the east, Smith Street in the north and St. Andrew's Street on the south (Maharaj and Mpungose, 1994). This area was reserved for international cricket matches at the turn of the century and as far back as 1864, it was reserved as a site for public recreation. The Park itself is the oldest existing park in Durban (South African Women's Weekly, 1963 as quoted in Maharaj and Mpungose, 1994).

Approximately one hundred and twenty years later by the mid 1980s, the Albert Park suburb which by now had many "white" pensioners who were attracted by the relatively low rentals and property prices, was forced to change its "snow-white" identity. The OCR worked with the first few cases of government and private landlord racist evictions of blacks in the mid 80's. By 1991, Albert Park had become an integrated suburb - a rainbow society, having largely worked through conflict situations, harassment and antagonistic attitudes.

³ OCR cases: 1995-7

ATTITUDE TO BLACKS

As the ratio of black residents increased so did the downward character of this once prestigious suburb. The attitude of property owners to blacks was one of sheer exploitation, subjecting tenants to subhuman conditions.⁴ Few critiques ever paid attention to this fact - landlords charged exorbitant rentals, ignored maintenance and renovations and resorted to a heavy-handed approach towards black tenants. It is only recently that bad tenants have been accepted as bad tenants, irrespective of their ethnicity ("race").

In the 90s, ownership also increased through mainly sectional title schemes. In the many cases handled by the OCR, it appears that black owners were not properly informed of the fundamental distinction between bond repayment and levies. Added to this, were owners who introduced a culture of non-payment into the area. Non-payment included levies and service charges. Contrary to the perception that "Africans" are the "culprits", other ethnic groups are also guilty of not paying their levies. Investigation by the OCR has shown that several "Indian" owners owe huge amounts (up to R100 000.00) per owner and resort to gangster tactics to ensure their rents are paid up in full and timeously. The unscrupulous landlord mentioned above who do not pay levies but diligently and religiously collect rentals from their tenants who are forced to live in overcrowded and subhuman conditions, have all contributed to turning around the character of Albert Park into a "slum".

THE SURVEY - CONTEXT

It is in this "urban-decay context" against an interesting history of the Albert Park suburb that the OCR decided to conduct a survey to: -

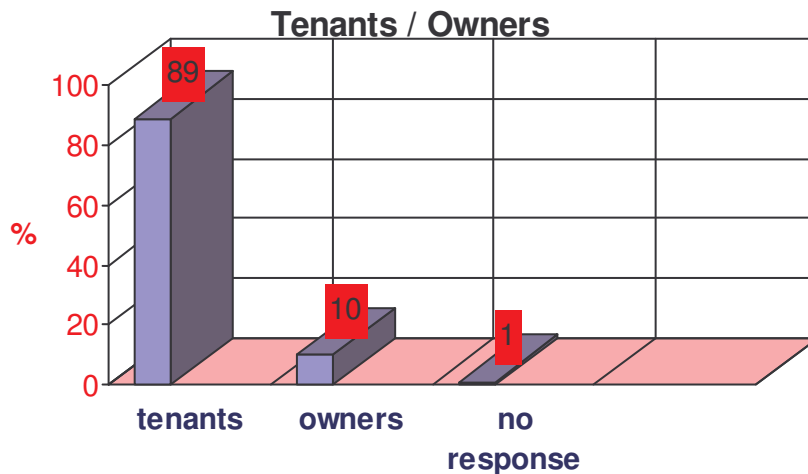
- ◆ update its previous survey carried out about 12 years ago;
- ◆ more especially, to focus on the rental and conditions of the buildings; and
- ◆ to gain an insight into some of the problems faced by tenants and residents in Albert Park.

METHODOLOGY

Jongi and Fortunate conducted interviews by using structured questionnaires that contained both open and closed ended questions. They interviewed 106 respondents - 94 tenants, 11 owners and 1 unknown - across 18 buildings. These buildings were chosen at random as were individual respondents. The interviewers through direct interviews administered the questionnaires. Unlike the survey conducted in 1990 (Maharaj and Mpungose, J, 1994) in which "white" tenants were uncooperative and refused to respond to the questionnaires, the June '99 survey of the OCR found all tenants interviewed to be co-operative.

⁴ *Mohamed, S.I. (1997); Mohamed, S.I. (1998).*

It seemed that "whites" were not willing to respond to black interviewers in the case of the 1990 survey. Nine years later while OCR also used black interviewers there appeared to be no refusal to respond to the questionnaires. This may be due to a period of transition from "forced-integration" (1987-90, when blacks defied racists laws and "whites" were very hostile and prejudiced) to tolerance (in the early 90s when the apartheid government abolished racists laws) followed by gradual acceptance of an integrated community (especially from 1994 after the first democratic elections).⁵



DATA ANALYSIS

Tables 1 and 2 classify the respondent's occupation and education level.

a) Occupation

Out of the 106 respondents, the majority (43%) is employed, 38% are students, 12% are unemployed and 2% are retirees or pensioners.

b) Education

Education plays a crucial role regarding employment and the data in Table 2 illustrates a large proportion have tertiary education (62%) followed by 32% with grades 8-12 educational qualification. One percent may be classified as being "functionally illiterate" (Beavon and Rogerson, 1982). This survey shows that 94% of the respondents have a formal education and may therefore have work opportunities that are satisfying. The area could be assumed to have a high literacy status but on a transient basis.

⁵ This trend is based on OCR's consistent interaction over the past 13 years with Albert Park tenants and residents. In 1999 OCR held several public meetings, which was evident of an integrated community responding to issues, having moved away from a "race-centred" approach.

Table 1

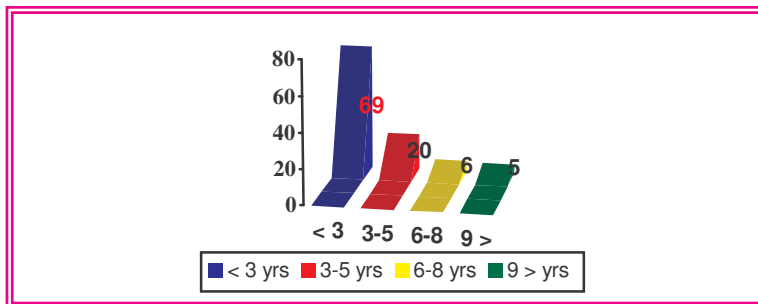
OCCUPATION	No	%
Student	40	38
Employed	46	43
Unemployed	13	12
Retired / Pensioner	2	2
No response	5	5

Table 2

STANDARD OF EDUCATION	No	%
Grade 1 - 7	1	1
Grade 8 - 12	34	32
Tertiary	66	62
Other	5	5

c) Period of Residency

Only 6% surveyed are living in Albert Park for more than six years (but less than nine years). Five percent are living in the area for nine years or longer. Twenty percent have been in the area for a period of 3 - 5 years while 69% are in the area for less than 3 years.



Albert Park appears to have a large transient community. This is supported from the information available at OCR's tenants' desk, interaction with residents, from the door to door registering of residents for local government elections in 1996 and a by-election in 1997 as well as from the data of this study.

The absence of permanent residency may also suggest a lack of "pride" for the Albert Park neighbourhood and a lack of sense of "well-being". Belonging to an area may be related to a kind of permanent affiliation to it and consequently being involved in its upgrading⁶. Unscrupulous landlords also "thrive" on a "market" of tenants who are transient and maybe one of the reasons such landlords care less about maintenance, if at all.

Table 3

PERIOD OF RESIDENCY	No	%
< 6 months	31	29
6 - 12 months	18	17
1 - 2 years	25	23
3 - 5 years	21	20
6 - 8 years	6	6
9 years and more	5	5

d) Tenants / Owners and Rental Categories and Payment

Table 4 classifies renters and owners and data in Table 5 illustrates the rentals paid. Table 6 shows that except for 1%, all tenants paid their rentals on a monthly basis (11% are owners). Out of 106 respondents, 10% are owners and 89% are tenants. Forty six percent paid a rental of above R500 to R1000.00 per month, 14% from above R1000 to R1500. Twenty eight percent paid rentals ranging from R100 to R500 per month.

This may indicate the different size and quality of the accommodation. Those living in a single room paid less rental. However, some paid up to R800 for a bachelor flat which was in a state of disrepair with essential services like general lighting not available and lifts which were not functioning for several years. In some instances, tenants paying above R1300 are living in buildings that are either well maintained or recently renovated.

Table 4

OWN OR RENT	No	%
Own	11	10
Rent	94	89
No response	1	1

⁶ Public meetings in 1999 to discuss the derelict state of buildings and upgrading the Albert Park, workshops on sectional title schemes have largely attracted pensioners and owners.

Table 5

RENTAL CATEGORIES	No	%
	.	
R100 - R 300	27	25
R301 - R500	3	3
R501 - R800	24	23
R801 - R1000	25	23
R1001 - R1300	7	7
R1301 - R1500	7	7
Not applicable (owners)	11	10
No response	1	1
Other (package deal)	1	1

Table 6

RENTAL PAYMENT BASIS	No	%
	.	
Weekly		
Monthly	93	88
Other	1	1
Not applicable	12	11

e) Levy in Sectional Title Blocks

Out of 106 respondents surveyed, 11% of the respondents were owners in sectional title blocks. Levies are paid on a monthly basis by all the respondents, ranging from 36% who paid R300 or less, 55% who paid above R300 to R500 and 9% above R500 to R800. In terms of this type of accommodation, owners pay a levy to the body corporate that is responsible for the control, administration and management of the common property.

One of the fundamental problems in Albert Park is the non-payment of levies. The Durban south central local authority is in the process of obtaining judgements in order to sell certain buildings for outstanding rates of several hundred thousand rands per building. However, this would seriously prejudice the rights of *bona fide* owners who have paid their levies diligently to the body corporate that in turn is required by law to pay over to the local authority rates for the property. National government is drafting legislation for a separate rating system, in other words, individual unit owners will be directly responsible for the payment of rates, possibly by mid next year.

Table 7

LEVY	No	%
	.	
R100 - R300	4	36
R301 - R500	6	55
R501 - R800	1	9

Table 8

LEVY PAYMENT BASIS	No	%
	.	
Weekly		
Monthly	11	100

f) Lease Agreements

Only 22% of the tenants had signed a written lease agreement with their landlords and of those, 55% were given copies of the agreement they had signed. Eighty three percent said that the conditions of the lease agreement were explained to them.

Most problems occur when parties enter into a verbal agreement. Landlords escalate rentals or charge additional amounts for items not agreed upon or vary the initial verbal agreement unilaterally. Landlords also encounter problems such as additional occupants that were not part of the verbal agreement. Numerous other problems usually stem from verbal agreements, often resulting in a conflict situation. A written agreement guarantees the rights and obligations of both parties to a large extent. The trend with written agreements is that tenants are not in a position to suggest changes or options. They are obliged to accept it as is or face the consequences of not securing accommodation. Also, challenging a landlord for violating any clause of the agreement often requires legal intervention which tenants cannot easily access because of financial constraints.

Table 9

LEASE AGREEMENT	No.	%
Yes	23	22
No	82	77
Not applicable	1	1

*11 owners so 71 without lease agreement

Table 10

COPY OF LEASE	No.	%
Yes	12	52
No	11	48

Table 11

EXPLANATION OF CONDITIONS OF LEASE	No.	%
Yes	19	83
No	4	17

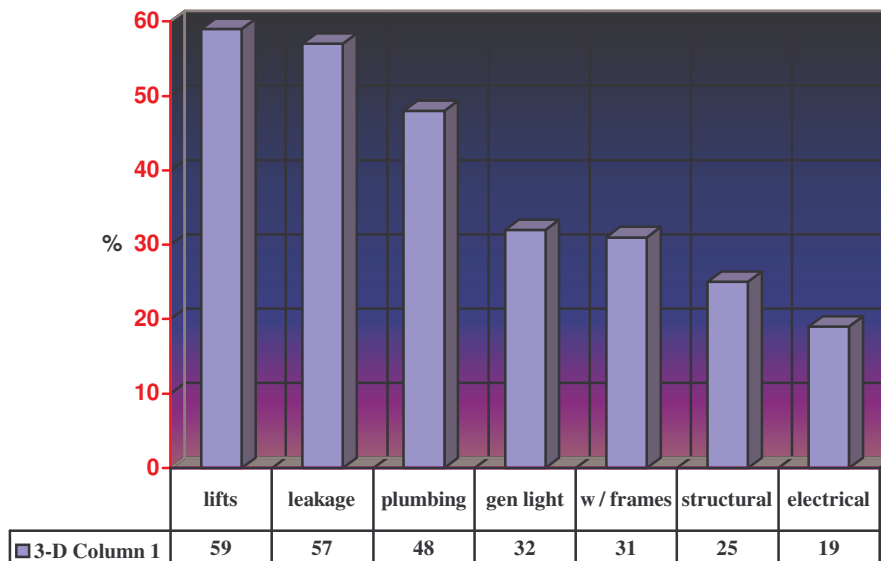
Table 12

KNOWLEDGE OF CONDITIONS OF LEASE	No.	%
Yes	18	78
No	5	22

g) Satisfaction with Maintenance

The overwhelming majority of respondents indicated that they were not satisfied with the maintenance of their flats (71%) and the general condition of their buildings (78%). Lifts not functioning properly or at all was a problem experienced by most respondents (59%), followed by leakage (57%), plumbing (48%), general lighting (32%), window frames (31%), structural problems (25%) and electrical problems (19%). Fourteen percent stated

Maintenance



other problems that included noise, poor security, geyser, cleanliness, taps and parking.

As for landlords attending to complaints, 49% indicated that their complaints were attended to while 42% said their complaints were not attended to.

It could be inferred from the above that almost half the flats and buildings surveyed are in need of maintenance and perhaps renovation and upgrading which the interviewers noted from personal observations as well. OCR has also worked with tenants in buildings and serves on the Albert Park upgrade project that has provided information that verifies the state of disrepair of flats and buildings and the downgrading of services or the total breakdown of services.

Table 13

SATISFACTION WITH MAINTENANCE OF -	No.	%
FLAT		
Yes	31	29
No	75	71
BUILDING		
Yes	28	28
No	78	78

Table 14

PROBLEMS EXPERIENCED	No.	%
Leakage	60	57
Plumbing	51	48
Window Frames	33	31
Electrical Problems	20	19
Structural Problems	27	25
Lifts	63	59
General Lighting	34	32
Other*	15	14

* Other includes noise, poor security, cold water, geyser, visitors, sink, taps, cleanliness, parking, cupboards)

Table 15

DOES LANDLORD ATTEND TO COMPLAINTS	No.	%
Yes	52	49
No	44	42
Other	10	9

h) **Illegal Lockouts and Disconnection of Electricity or Water**

Seven percent were illegally locked out and 13% had their water or electricity disconnected illegally. Some landlords resort to these "self-help" remedies usually for non-payment of rental or rentals not paid on time. Two percent experience illegal lockouts at their previous place of residency and 2% with illegal electricity or water disconnection.

Table 16

ILLEGAL LOCKOUT BY LANDLORD OR AGENT FROM -	No.	%
PRESENT FLAT		
Yes	7	7
No	96	90
Other	3	3
LAST PLACE OF RESIDENCY		
Yes	2	2
No	62	58
Other	42	40

Table 17

WAS ELECTRICITY OR WATER EVER DISCONNECTED ILLEGALLY AT YOUR	No.	%
PRESENT FLAT		
Yes	14	13
No	91	86
Not applicable	1	1
LAST PLACE OF RESIDENCY		
Yes	2	2
No	51	48
Not applicable	1	1
No response	52	49

RECOMMENDATIONS

A detailed study of the Albert Park precinct is required to make any firm strategic conclusions. This study should be seen as an incentive for a comprehensive research with a more generous sample size.

From this study however, it appears that there is an urgent need to improve the living conditions of residents (tenants and owners in sectional title blocks) by enforcing city by-laws and including the corporation of owners, tenants and other relevant roleplayers.

Tenants need to be informed and educated about the proposed Rental Housing Bill, 1999 that is to become law shortly. This will enable *bona fide* tenants to approach the Rental Tribunal on matters negatively affecting their tenancy including the need for habitable living conditions. The new legislation will also allow *bona fide* owners to ensure their rights.

Owners in sectional title blocks, more especially bodies corporate need to exercise effective control over the management of their units and buildings. The separate rating system will bring great relief to owners who are presently facing the possible loss of their property because of non-payment of levies by other owners. However, the need to collect levies timeously to cover other costs once the separate rating system is introduced requires stringent control by bodies corporate to prevent defaulters from relinquishing their contribution towards the upkeep of the building and for paying service charges. The tendency might be to consider rates payment as being sufficient in discharging their obligations.

More community meetings are essential for building a common community spirit and vision to improve the area and for sharing ideas and experiences in managing buildings effectively.

Workshops and seminars are needed for tenants and owners in sectional title blocks to educate and empower them.

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