



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

THE CITY'S RESPONSE TO HOMELESSNESS AND HELPING PEOPLE OFF THE STREETS

Frequently Asked Questions

Last updated: 20 May 2022

Q	Which level of government holds the constitutional mandate related to people living on the streets?
A	<p>The national and provincial governments jointly hold the constitutional mandate and budgets for welfare services, which includes the registration and subsidising of NGO-run shelters.</p> <p>As a caring government, the City goes above and beyond its municipal mandate to help people off the streets.</p> <p>Our Care Programme, to help people off the streets, includes:</p> <ul style="list-style-type: none"> • Access to substance abuse rehabilitation • Assistance with reintegration into society • Assistance with obtaining identity documents and social grants • Assistance with personal development plans • Access to short-term job opportunities through the <u>Expanded Public Works Programme (EPWP)</u> • Access to shelter at an NGO-run facility or City-run Safe Space

Q	How many people are living on the streets in Cape Town?
A	<p>According to the City's most recent enumeration in November 2018, there were approximately 4000 people living on the streets, and 2000 in shelters at the time. The Census 2022 data is expected to yield further insight into current numbers.</p>

Q	What causes people to land up on the street?								
A	<p>The reasons for people living on the street are both structural and individual.</p> <p>Homelessness can be linked to unemployment, fractured family relationships, an inadequate welfare system, loss of home, urbanisation, eviction, social and legal causes, as well as individual factors such as substance abuse, mental illness or even criminal involvement.</p> <p>There are different types of "homelessness", which can be classified into three main categories:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Type</th> <th>Definition</th> </tr> </thead> <tbody> <tr> <td>Chronic</td> <td>Those who are homeless for a longer period of time, often with serious substance abuse or mental health issues. This is the least common type of homelessness.</td> </tr> <tr> <td>Transitional</td> <td>People who stay at the shelter for only a short period of time due to a catastrophic event, usually younger people who are forced to go to a homeless shelter for a short time. This is the most common type of homelessness.</td> </tr> <tr> <td>Episodic</td> <td>Those who are periodically homeless, are usually younger, and become homeless due to abuse, unemployment, mental illness, medical problems or family circumstances.</td> </tr> </tbody> </table> <p>Subcategories of these classifications include people who have experienced a breakdown in family relationships and have left the home as a result; 'day strollers' who migrate to areas where economic opportunities exist (including street children); parolees or ex-parolees who settle in public open spaces; people with mental illnesses; and people who have been left destitute and are sleeping rough.</p>	Type	Definition	Chronic	Those who are homeless for a longer period of time, often with serious substance abuse or mental health issues. This is the least common type of homelessness.	Transitional	People who stay at the shelter for only a short period of time due to a catastrophic event, usually younger people who are forced to go to a homeless shelter for a short time. This is the most common type of homelessness.	Episodic	Those who are periodically homeless, are usually younger, and become homeless due to abuse, unemployment, mental illness, medical problems or family circumstances.
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Q	<p>What is the City doing to help people off the streets post the national State of Disaster?</p>
A	<p>The two-year national state of disaster and related economic impact has led to unmatched levels of homelessness in the city – with many people sleeping in public places, including sidewalks, parks, road reserves, and under bridges.</p> <p>Given this situation, only a unique and unprecedented response will help people off the streets in Cape Town and ensure that public places are available for wider public use.</p> <p>The City of Cape Town is proactively dealing with this situation by: -</p> <p>Expanding City-run Safe Spaces beyond the CBD and Bellville: A total of R142 million is allocated to operate and expand these facilities over the next three years. A further R10 million is allocated for this winter to expand shelter beds at NGO-run shelters.</p> <p>Stepping up efforts to assess the circumstances of those on the streets, and offer shelter or social assistance: City Social Development and ECD staff are currently busy with a city-wide process of conducting social assessments of those living on the streets. This includes the reasons for homelessness, physical and mental health, living conditions, and sources of income. This will result in a referral for social assistance, which can include accommodation at a shelter or City-run safe space.</p> <p>Obtaining court orders regarding the unlawful occupation of public places: Due to the termination of the national State of Disaster, the courts are no longer required by regulation to consider suspending evictions. However, the City's Streets, Public Places and Prevention of Noise Nuisances By-law does not circumvent the need for a court order where a structure is considered a dwelling under the Prevention of Illegal Eviction from and Unlawful Occupation of Land (PIE) Act. In those instances, the City will acquire the necessary court order, and ensure alternative accommodation at shelters or safe spaces has been offered, where this is just and equitable.</p> <p>Enabling the proper application of the Streets, Public Places and Prevention of Noise Nuisances By-law: Where the PIE Act is not applicable, the City will apply the Streets, Public Places and Prevention of Noise Nuisances By-law as follows:</p> <ul style="list-style-type: none"> • City Social Development and ECD staff conduct a social assessment of a person's circumstances and offer social assistance / shelter. • If refused, a joint operation with law enforcement takes place in which shelter is again offered. • If again refused, a compliance notice is issued, indicating the steps, deadline, and consequences of non-compliance. • If not complied with, a written notice may be issued to appear in court. Offers of social assistance and shelter remain available at all times. • If the person fails to appear, the court may issue a warrant of arrest. • It will then be up to the court and prosecutors to determine the way forward. The City would like to see the courts ordering rehabilitation, rather than opting for punitive measures such as fines or imprisonment. <p>The City will follow these five guiding principles in helping people off the streets:</p> <ol style="list-style-type: none"> 1. Cape Town must be, first and foremost, a caring city, that always tries to help people off the streets first. 2. No person should live on the streets. This is unsafe, unhealthy, and undignified. Accepting sustainable solutions off the streets is the best choice for dignity, health, and well-being. 3. Our city's public places serve important social, community and economic purposes, and must be open and available to all. No person has the right to reserve a public space as exclusively

	<p>theirs, while indefinitely refusing all offers of shelter and social assistance.</p> <p>4. It is not an offence to sleep on the streets if you do not have a choice. Only after refusing offers of shelter and social assistance, should the law take its course as a necessary last resort deterrent for the sustainable management of public places.</p> <p>5. The City encourages courts and prosecutors to ensure that rehabilitation is favoured over punitive fines and imprisonment, wherever it is just to do so in matters relating to prohibited conduct in public places.</p>
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Q	How many shelters are there and where are they?
A	<p>A comprehensive list of shelters is available from the Western Cape Government (WCG). The WCG is the registration and oversight authority for shelters, which are generally run by non-governmental organisations (NGOs).</p> <p>The shelter bed capacity in Cape Town is approximately 2 446 as at May 2022.</p> <p>While the City is not constitutionally mandated to operate or oversee shelters, it goes above and beyond its municipal mandate to support shelters and create 'safe spaces'.</p> <p>A total of R142 million is set aside to operate and expand City-run Safe Spaces beyond the CBD and Bellville in the next three years.</p> <p>Current Safe Spaces in the CBD and Bellville offer shelter, two meals a day, personal development planning, access to social workers, opportunities to find employment and move into formal accommodation or shelter, and drug rehab where necessary.</p> <p>In total, the City's Safe Space facilities have capacity for around 700 persons under normal conditions not restricted by Covid-19 measures.</p>

Q	What is the City doing to support shelters and help people off the streets?
A	<p>The City's Care Programme to help people off the streets amounts to R77 million in 2022/23. Cape Town is SA's only metro dedicating a social development budget to this issue.</p> <ul style="list-style-type: none"> • A dedicated Reintegration Unit of social development professionals offers daily interventions to help people rebuild their lives off the streets. • 'Safe Space' facilities opened in the CBD and Bellville with a total capacity for 700 persons under normal conditions, all offering 3 meals per day, blankets, mattresses and vanity packs on entry, substance abuse interventions, skills training, ID book assistance, and EPWP work placement. • Annual Winter Readiness campaigns to support shelters and bolster capacity for when the worst weather arrives. For winter 2022, an additional R10 million will go directly to increasing beds at shelters for when the worst weather arrives. • Help is available for the many who end up on the streets - due to drug addiction - via placement in the City's Matrix® substance abuse programme. <p>Between 2016 – 2021, the City has made meaningful interventions to help people off the streets including:</p> <ul style="list-style-type: none"> • More than 1 550 street people benefitted from EPWP work placements by City social development services • More than 575 street people were reunified with family or friends • More than 1 600 shelter placements completed to help people get off the streets on a sustainable basis <p>While the City does not have a constitutional mandate to directly operate shelters, we are committed to</p>

The City's Response to Homelessness – Frequently Asked Questions

	supporting our NGO partners, with R50 million in grant-in-aid funding disbursed during the national lockdown period alone.
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Q	If help is available for street people, why are so many still living on the street?
A	<p>Homelessness is driven by a variety of social and economic factors, and may include a choice to remain on the streets even where other options are available to a person.</p> <p>Many, if not most, people living on the street turn down offers of shelter or social assistance. In some cases, this is due to a lack of awareness about the sustainable solutions available to rebuild their lives off the streets. Some may not wish to comply with the rules and routines of shelters, and many people living on the streets suffer from a substance abuse addiction and are not yet willing to accept shelter and rehabilitation off the streets.</p> <p>There are also those who attempt reintegration, but then end up back on the streets.</p> <p>For these reasons, the City's Reintegration Unit is working daily across the metro to build relationships over time with people living on the streets, and to encourage them to accept sustainable solutions off the streets.</p>

Q	How can you expect people to move into shelters when there aren't enough bed spaces available?
A	<p>The City monitors bed spaces at shelters on a daily basis to assist those looking for accommodation.</p> <p>Throughout the last two years of monitoring, there has not been any day on which there were no free beds for people wanting to come off the streets</p> <p>Bed spaces open up daily as people manage to reconnect with families or succeed in reintegrating through other accommodation. This means that the number of bed spaces is never meant to equate the number of people on the street. Shelter beds are a renewable resource used only for a period of time until a person is able to stand on their own feet, or reunite with their family or friends in a supportive environment.</p> <p>The City and shelters and various NGOs work ceaselessly to reintegrate people with their communities and families and to help them into more sustainable accommodation options. The shelter or any other institutionalised accommodation cannot be sustainably as the final home of a person on the street. Rather, it is an intermediary option until reintegration takes place.</p>

Q	What can the public do to help?
A	<p>The City calls on residents to donate towards sustainable solutions geared towards helping people off the streets.</p> <p>No person should live on unsafe streets, and accepting solutions off the streets is the best choice for safety, dignity, and well-being.</p> <p>Encourage people living on the streets to rather use shelter facilities where they are able to get a meal, shower, bed and other services.</p> <p>By supporting a homeless person to remain on the street, we deter them from utilising the opportunities that are available at shelters.</p> <p>While it may intuitively feel like the right thing to do, sustaining people on the street worsens the situation for them and prevents them from achieving a better quality of life.</p> <p>By supporting a shelter, members of the public are helping people to access opportunities to better themselves, rather than worsening the situation by sustaining people on the streets where they are</p>

	<p>exposed to harm.</p> <p>There are also orphanages and old age homes that are in desperate need of support. Members of the public can donate to these homes and help to uplift society.</p> <p>For example, did you know that you can support a child at an orphanage for up to six months with a cash donation? Your donation will ensure the child is fed, clothed and has a roof over their head.</p> <p><u>Christine Revells Children's home</u> in Athlone is one example of an NGO you can support to make a real difference in someone's life.</p> <p>A list of shelters assisting street people is available here: Homeless Shelter Database</p>
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Q	Why does the City's Law Enforcement Department enforce by-laws on street people?
A	<p>By-laws apply to all residents and visitors to Cape Town. The City's Law Enforcement Department receives hundreds of complaints each month from communities about anti-social behaviour and by-law transgressions committed by persons living on the street. Note that all laws, including by-laws, are of general application and apply equally to persons from all walks of life. The prescripts in the by-laws address the unlawful activity and not a specific group of persons.</p> <p>Some examples of the complaints include:</p> <p>Tents and structures being erected on public open spaces such as pavements and parks, the accumulation of waste, urinating and defecating in places other than facilities designated for such purposes and bathing, as well as more serious crimes such as public indecency, robbery and damage to municipal infrastructure, such as assault and intimidation.</p> <p>Often enforcement actions in terms of the By-Law support the reintegration initiatives of the City to the extent that street people who are contravening the by-laws may often be more inclined to accept reintegration offers made available to them. The two parallel processes (Reintegration and Enforcement) are thus mutually supportive.</p> <p>Cape Town's amended Streets, Public Places and the Prevention of Noise Nuisances by-law now uniquely requires that alternative accommodation be offered, and ensures that sleeping and camping overnight in public places is no longer classified as an automatic offence if no other choice is available to a person.</p> <p>Only after refusing offers of shelter and social assistance, should the law take its course as a necessary last resort deterrent for the sustainable management of public places.</p> <p>The Streets, Public Places and Prevention of Noise Nuisances By-Law has been in existence since 2007, prohibiting largely the same conduct in public places as all other municipalities in South Africa but also elsewhere in the world do, to ensure the sustainable management of public places.</p>

Q	Do Law Enforcement staff remove the personal belongings of people living on the street?
A	<p>Officers do not remove any personal belongings of people living on the street. Only the waste accumulated at sites is removed.</p> <p>Waste build-up in open spaces presents health risks to both the community and those living on the streets. During operations, officers request that people collect their personal belongings before they continue.</p> <p>Where personal items are not claimed, the items are bagged, documented and taken to the City's Ndabeni pound where they can be collected by the owner.</p> <p>Note that the PIE Act (Prevention of Illegal Eviction from and Unlawful Occupation of Land) applies to the transient structures and tents used by persons living on the street, and requires the City to make application for an eviction order to remove the unlawful occupants, and offer alternative accommodation insofar as it is just and equitable to do so.</p>

Q	Street people who were previously moved, or left an area keep coming back. What is the City going to do about it?
	<p>The City protects the interests of the community by enforcing its by-laws. These prohibit the erection of tents or structures in public, the making of fires in areas not designated for this purpose, and the blocking of pavements where it interferes with the safe passage of pedestrians. Other by-law provisions address activities and conduct in public places.</p> <p>The Streets, Public Places and Prevention of Noise Nuisance By-law has been amended to reflect the current manner in which certain provisions are enforced. Thus, enforcement action must be preceded by an offer of alternative shelter which will in most cases be duplicated by enforcement officers and on refusal of such offer, a Compliance Notice imposing obligations on the recipient will be issued. Similarly, with the new Unlawful Occupation By-law.</p> <p>No human being belongs on the street and every action needs to be oriented towards reintegration and assisting street people to find a sustainable income and accommodation away from the streets. This requires a whole-of-society approach.</p>

Q	What must I do to report problems with street people or to ask for help for someone on the street?
A	The Emergency Centre can be reached on 021 480 7700 from a cellphone, or 112 – a free call to the cellphone service provider who will transfer the call to the City's call centre, or 107 from a landline. Social workers or law enforcement staff will then be dispatched based on the priority level of the request.

Q	What process is followed during operations?
A	<p>Operations have three phases:</p> <p>Phase 1</p> <p>The City's Social Development offers alternative temporary shelter to any street person found to be unlawfully occupying a specific location The City's Law Enforcement Department issues compliance notices to any person found to be in violation of the City's by-laws. Compliance notices will indicate:</p> <ol style="list-style-type: none"> a) The provisions or conditions that have been contravened b) The action required in order to comply c) The measures that must be taken to rectify the contravention d) The period in which this must all done <p>Phase 2</p> <p>A Section 56 notice (fine) is issued to any person who fails to comply with the compliance notice served.</p> <p>Phase 3</p> <p>The street person is offered alternative temporary shelter. Should they refuse, their details are documented, and they are given an opportunity to remove their belongings. Should they fail to do so, they are issued with a Section 56 notice in terms of the <u>Streets, Public Places and the Prevention of Noise Nuisances By-law</u> or any other relevant by-law. All waste material as defined in the Amended <u>Integrated Waste Management By-law</u> that is identified as waste by the National Minister in the Gazette in terms of the National Environmental Management: Waste Act 59 of 2008 will be taken to landfill.</p>