To: THE PRESIDENCY: NATIONAL COMMAND COUNCIL  
c/o: Ms Khusela Diko & Mr Mike Louw  
Per email: khusela@presidency.gov.za presidentrsa@presidency.gov.za

And To: THE MINISTER OF HEALTH: DR ZWELI MKHIZE  
c/o: Mr Popo Maja  
Per Email: popo.maja@health.gov.za

THE MINISTER OF HOME AFFAIRS: DR AARON MOTSOALEDI  
c/o: Acting Director General Jackie McKay  
Per Email: jackie.mckay@dha.gov.za & Minister@dha.gov.za

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: DR NKOSAZANA DLAMINI ZUMA  
c/o: Ms Mandisa Mbele & Ms Pamela Salusalu  
Per Email: MandisaMB@cogta.gov.za & PamelaS@cogta.gov.za

THE MINISTER OF HUMAN SETTLEMENTS: MINISTER LINDIWE SISULU  
c/o: Ms Mareldia Chowglay & Mr Makhosini Mgitywa  
Per email: Mareldia.Chowglay@dhs.gov.za & Makhosini.Mgitywa@dhs.gov.za

THE OFFICE OF THE CHIEF JUSTICE  
c/o: Mr Desmond Moekoa  
Per email: dmoekoa@judiciary.org.za

THE MINISTER OF POLICE: MINISTER BHEKOKWAKHE CELE  
c/o: Ms Sharon Gaehler  
Per email: GaehlerSMK@saps.gov.za

GAUTENG DEPARTMENT OF HUMAN SETTLEMENTS  
Mr. Greg Schneemann  
Per email: Gregory.schneemann@gauteng.gov.za

WESTERN CAPE DEPARTMENT OF HUMAN SETTLEMENTS  
Minister Tertius Simmers  
c/o: Head of Department: Human Settlements Mr Thando Mguli  
Per email: Thando.Mguli@westencape.gov.za

NORTH WEST DEPARTMENT OF HUMAN SETTLEMENTS  
Hon. Mothibedi Kegakilwe  
c/o: Head of Department: Human Settlements: Mr Phihadu Motoko
Per email: dthapelo@nwpg.gov.za

MPUMALANGA DEPARTMENT OF HUMAN SETTLEMENTS:
MEC Norah Mahlangu
c/o: Secretary: Mr Knowledge Mthetwa
Per email: Knowledge@mpg.gov.za

LIMPOPO DEPARTMENT OF COOPERATIVE GOVERNMENT, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS
MEC: Rodgers Basikopo Makamu
c/o: Communications Officer: Mr Motupa Selomo
Per email: SelomoME@coghsta.limpopo.gov.za

NORTHERN CAPE DEPARTMENT OF COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS: MEC BENTLEY VAAS
c/o: Head of Department: Mr Bafedile Lenkoe
Per email: bslenkoe@ncpg.gov.za

KWAZULU NATAL DEPARTMENT OF HUMAN SETTLEMENTS:
MEC Neliswa Nkonyeni
c/o: Head of Department: Mr Mdu Zungu
Per email: mdu.zungu@kzndhs.gov.za

EASTERN CAPE DEPARTMENT OF HUMAN SETTLEMENTS:
MEC Nonkqubela Pieters
c/o: HOD Human Settlements: Ms Tabisa Poswa
Per email: TabisaP@ecdhs.gov.za
FREE STATE DEPARTMENT OF HUMAN SETTLEMENTS:

MEC Motshidisi Koloi
c/o: Mr Nthimotse Mokhesi
Per email: tim@fshs.gov.za

CC: SOUTH AFRICAN HUMAN RIGHTS COMMISSION
Commissioner: Access to the Right to Housing and Right to Water and Sanitation
Adv Mohamed Shafie Ameermia
Per email: mameermia@sahrc.org.za

and

Commissioner: Rights of Children and Migrants
Commissioner Angie Makwetla
Per email: amakwetla@sahrc.org.za

Dear Ministers

RE: URGENT CALL FOR IMMEDIATE ACTION TO SUSPEND AND RESOLVE WATER AND ELECTRICITY DISCONNECTIONS

1. In this letter we write to you regarding insufficient measures to safeguard against landlords disconnecting a tenant’s electricity and water connection during the lockdown.

2. The COVID-19 pandemic is an unprecedented national and global disaster which has resulted in the declaration of a National State of Disaster and the current national lockdown. The South African government has instructed people to stay at home to protect them from contracting or further spreading COVID-19.

3. Inherent in this instruction is the recognition that a person’s home is their first line of defence against COVID-19.
4. On 20 March 2020, we and a number of social justice movements and organisations working with and in support of poor, working-class and vulnerable people called on the Presidency and the National Command Council to institute an immediate moratorium on the issuing and execution of all eviction orders during the declared state of disaster. The call was aimed at ensuring that people would not be rendered homeless during the lockdown and left without their first line of defence against infection and harm.

5. The National Command Council heeded this call and issued regulations in terms Disaster Management Act, 2002 (“the COVID-19 Regulations”)\(^1\) and directions\(^2\) that now prohibit the eviction of people “from their place of residence, regardless of whether it is a formal or informal residence or a farm dwelling, for the duration of the lockdown.”\(^3\)

6. However evictions have continued despite this explicit prohibition. Since the beginning of the lockdown we have collectively received 82 reports and requests for assistance from persons being evicted or threatened with eviction by private landlords during this national lockdown. We note that these are cases that have been reported to this collective, it is likely that there are many more across the country. In some instances, the SAPS have been helpful in protecting tenants but this is not always the case. We are now also increasingly receiving reports that landlords have disconnected electricity and water or have threatened to disconnect water and electricity. The disconnection of electricity and water deprives a tenant of essential services which are needed to combat COVID-19 and significantly denudes the underlying reasons why a person’s home is considered their first line of defence.

7. It is common cause that lack of water has a detrimental impact on hygiene which increases risk of infection. Similarly, no access to electricity has practical implications that can increase risk to infection. For example no access to electricity impacts a person’s ability to cook food and stay nourished and stay warm which is particularly concerning as we approach the winter months. This is particularly concerning because people do not have other food options like takeaways or foodstands during the lockdown.

8. In most instances the reason provided for the threatened and actual eviction and/or electricity and water disconnection is the failure to pay the full rental amount. However in almost all of the reported instances, the individual tenant’s inability to pay rent has been as a direct result of unemployment or loss of income due to the inability to work during the national lockdown.

9. Majority of the population are facing increased financial difficulties during this pandemic. The President in his address on 21 April 2020, acknowledged the severe socio-economic impact of COVID-19. In this context, we appreciate that renters and individual landlords are often as desperate as each other in trying to survive month-to-month, and relying on rent to do so.

---


\(^2\) Published under GN 440 in Government Gazette 43191 of 31 March 2020 (replacing the directions initially issued on 26 March 2020).

\(^3\) Regulation 11CA of the COVID-19 Regulations
10. This pandemic has made stark the historical socio-economic inequalities in general and housing inequalities that persist in South Africa. Poor and working class people in South Africa prior to the lockdown were facing economic insecurity and precarity and the lockdown has heightened this.

11. Those engaging in the informal economy have been particularly affected as the lockdown has resulted in no income to families who depend for their livelihood on a daily subsistence of selling goods, or services including waste pickers and domestic workers or people selling food, and this has heightened people’s vulnerability and puts at risk the ability of people to take measures to prevent contracting COVID-19. This includes struggling to pay rent and electricity. Foreign nationals living in the country are particularly vulnerable as they are also struggling to access the relief that the government has made available to respond to COVID-19 and are subjected to continuing discrimination.

12. We commend the President for the measures, mentioned in his address, that are being taken by the government to assist the poor and vulnerable during this difficult time. However, we are concerned that the measures may not be sufficient to safeguard against landlords disconnecting a tenant’s electricity and water connection during the lockdown.

13. In the ordinary course persons may have had recourse through the Rental Housing Tribunal or courts to secure protection of their rights by lodging complaints relating to unfair rental practices. However due to the national lockdown many of the Rental Housing Tribunals are not operating or are not able to process complaints and provide assistance. Similarly access to courts and legal representation is restricted and limited.

14. Targeted intervention is needed to address this issue. We recognise that there have already been some responses and action within parts of government to respond. For example, we are aware of the City of Johannesburg’s statement and that some municipalities may be considering or have already suspended disconnections of electricity and water.

15. **To this end, we call on the National Command Council (NCC) and the relevant provincial and municipal task teams:**

   15.1 To suspend all water and electricity disconnections (even in instances where accounts are in arrears) until the lockdown is lifted.

   15.2 To provide practical steps for recourse for people who have had their electricity and water disconnected to have same reconnected for the duration of the lockdown.

   15.3 To direct all landlords to not disconnect a residential tenants’ electricity and water connection during the lockdown even in instances where there arrears including rental arrears and to ensure that the South African Police respond to assist tenants in instances where landlords do not follow the direction.

   15.4 To ensure that all provincial Rental Housing Tribunals are operational and a public announcement is made on the processes through which complaints can be filed and investigated during the lockdown. In the event that the Rental Housing Tribunal cannot provide such services, we call for the provincial task teams to set up an alternative
service in which rental housing complaints, which if not resolved during the lockdown would result in substantial injustice, can be filed and resolved.

15.5 That the interventions we have called for apply to all persons living in South Africa and not only to citizens. This is especially necessary to guard against discriminatory interventions and ensure that all are protected.

We request that the National Command Council urgently furnishes its written response.

Your sincerely the undersigned organisations:

Ndifuna Ukwazi

Lawyers for Human Rights

Socio-Economic Rights Institute

Consortium for Refugees and Migrants in South Africa

Legal Resource Centre

ProBono.Org