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Broken Promises and Challenges in RDP Housing Delivery: A Metropolitan Municipality Perspective in South Africa.

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ABSTRACT

The RDP housing programme was introduced as part of South Africa's attempt to address historical inequality in access to shelter and urban space. But this policy ambition has been challenging to turn into consistent delivery in Buffalo City Metropolitan Municipality. Implementation is still limited by the scarce availability of suitable land, rising land prices, delays in funding, weak coordination and slow administrative procedures. Using a qualitative approach, this study examines the gap between policy commitments and housing realities in BCM. The argument advanced is that RDP housing delivery is not only a matter of construction. It is also shaped by how land is accessed, how institutions carry out their responsibilities, how resources are managed, and how communities are brought into planning and implementation. The housing challenge in BCM is therefore both a delivery matter and a governance problem.

1. Introduction

Housing in South Africa carries a meaning that extends beyond shelter. It is linked to dignity, safety, access to opportunity, and the ability of people to participate in social and economic life. Section 26 of the Constitution of the Republic of South Africa, 1996, gives legal expression to this understanding by recognising the right of everyone to have access to adequate housing. It also requires the state to take reasonable measures, within available resources, to realise this right progressively.

Yet adequate housing remains unevenly accessed, especially by poor and vulnerable households in urban areas. The continued growth of informal settlements points to the slow pace of public housing delivery, but also to the limits of the formal housing market in accommodating low-income groups. Housing inadequacy carries wider consequences, including protest action, public health risks, shack fires, flooding, and concerns linked to weak implementation and corruption (Marutlulle, 2021).

Housing delivery is therefore both a developmental priority and a governance test. The Housing Act 107 of 1997 assigns housing responsibilities across the national, provincial, and local spheres of government. Since 1994, several policies and programmes have sought to reduce housing inequality. The difficulty, however, lies in the gap between policy intention and implementation.

Buffalo City Metropolitan Municipality reflects this challenge. The municipality faces growing demand for housing and related services, while delays, weak coordination, and recurring governance weaknesses continue to affect delivery. These pressures have contributed to public frustration and, in some cases, protest. The experiences of Reeston and Duncan Village are particularly relevant in this regard. Reports of unlawful occupation, allocation disputes, and movement

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between formal housing and informal settlements point to deeper administrative and governance problems within the housing delivery system. Municipal planning documents also identify these areas as important housing-related sites, making them useful reference points for examining the challenges surrounding subsidised housing delivery in Buffalo City Metropolitan Municipality.

This article examines the challenges associated with the provision of Reconstruction and Development Programme housing, understood in this study as state-subsidised low-cost housing, in Buffalo City Metropolitan Municipality. The analysis is framed through policy, legislative, and governance perspectives, with particular attention to Reeston and Duncan Village. Although subsidised housing delivery has received considerable attention in South African scholarship, less attention has been paid to how metropolitan administrative arrangements, stakeholder relationships, and institutional limitations interact to shape outcomes at municipal level. This article responds to that gap by clarifying how these factors influence housing delivery and what they mean for the pursuit of more equitable housing outcomes in post-apartheid South Africa.

2. Problem Orientation

Section 26 of the Constitution of the Republic of South Africa, 1996, recognises everyone's right to have access to adequate housing. It also provides that no one may be evicted from their home or have their home demolished without a court order. This places an important responsibility on the state to take reasonable legislative and other measures, within available resources, to progressively realise the right to housing. Although the RDP was introduced to address post-apartheid housing inequality, its implementation in Buffalo City Metropolitan Municipality remains troubled. The municipality is still facing issues of illegal occupation, allocation conflicts and the challenge of reconciling the housing needs of vulnerable residents with the legal protection of property rights.

Conradie and Rulashe (2023) note that municipalities are expected to manage problematic and unlawfully occupied properties, yet many metropolitan municipalities still struggle with this responsibility. In Buffalo City, this is evident in Reeston and surrounding areas, where unlawful occupation has persisted despite legislation such as the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998.

A widely reported case occurred in Reeston in 2021, when community members occupied unfinished RDP houses and linked their actions to long-standing dissatisfaction with allocation practices and settlement arrangements (Daily Dispatch, 2022). It is against this background that the study examines the obstacles weakening RDP housing delivery in Buffalo City Metropolitan Municipality and what they suggest about equitable urban housing governance.

3. Theoretical & Conceptual Disposition

The relationship between housing, social exclusion, health, poverty, and crime is well recognised. What is less developed, however, is the discussion on how inadequate housing shapes broader socio-economic, cultural, and political development. This is important because housing conditions do not affect households only at the level of shelter. They also impact community stability, public trust, and the lived experience of the state for its residents. In South Africa, poor housing is linked to protest action, the rise of informal settlements, public health risks, shack fires, flooding, corruption and contestation over delivery processes (Marutlulle, 2021). These realities mean that housing failure is not isolated to the housing sector. It strains local institutions, reveals weaknesses in public administration, and poses a difficult question: why do strong policy commitments so frequently yield uneven results?

South Africa has implemented several housing policies since 1994 to redress historical inequality. Implementation, however, has been patchy. This illustrates the complexity of the housing challenge, but also the weaknesses of policy design, coordination and local implementation. Against this backdrop, the study traces South Africa's housing policy journey from 1994 to 2022, with particular attention to the policy-practice divide. It examines what these patterns mean for residents of the Buffalo City Metropolitan Municipality and surrounding areas, and argues that effective housing delivery is not only about sound policy but also about capable, responsive and accountable public administration.

3.1. International agreements impacting South Africa's human settlements.

More coherence across institutions is still needed to reduce duplication and improve implementation. This is also relevant for the monitoring of the progress of the Sustainable Development Goals, where the outcome depends on the extent of coordination of efforts by different actors. The 2030 SDG agenda also reminds us that development is not only economic. It also encompasses social and environmental issues that need to be tackled collectively rather than separately.

Cohen (2006) noted that the performance of developing country governments in managing their cities significantly affects the achievement of global targets to eliminate poverty and hunger. The Millennium Development Goals (MDGs), SDGs, and South Africa's Vision 2014 have all guided the South African government's efforts to fulfil socio-economic rights.

These frameworks have been crucial in measuring progress toward the MDGs, especially in public service delivery (Mpya, 2020).

Despite improvements in basic water supply, service delivery remains a top concern. The MDGs concluded in 2015, but not all objectives were met. The SDGs, effective from January 2016, continue to guide policy through 2030. Increased urbanisation in developing nations like South Africa has led to challenges such as increased squatter populations, worsening pollution, inadequate infrastructure, and uncontrolled urban expansion. Improved urban planning and administration are needed to create inclusive, secure, resilient, and sustainable urban environments. Developing and implementing human settlement policies that address the socio-economic challenges of marginalised communities is essential (Mpya, 2020).

3.2. The Responsibilities of the National Department of Human Settlements

The national government has prioritised establishing and facilitating a sustainable housing development process (South African Local Government Association, SALGA). Represented by the Minister of Human Settlements, the national government must perform several essential duties to assist and build a sustainable national housing development process. The following are examples of these roles:

- Determines national policy, including criteria, for the construction of dwellings.
- Objectives: Establishes broad national housing delivery objectives; promotes the development of provincial housing delivery objectives; and, if applicable, promotes the development of municipal housing delivery objectives.
- Checks how well the housing industry is doing in relation to its housing delivery targets and key performance metrics, working with each MEC to do so.
- Capacity support: a. helps provinces build their administrative chops; b. bolsters cities' ability to run themselves and fulfil their responsibilities in areas such as housing construction.
- It encourages engagement on housing development issues between the federal government and civil society representatives, housing sector and subsector suppliers and financiers, provincial and local governments, and other interested parties.
- Facilitates open and honest dialogue on new home construction.

3.3. Role Players to Inadequate Housing

Table 1. Inadequate Housing Factors

Factor	Articulation
Informal settlements	Rapid urbanisation and Apartheid legacies have fueled informal settlements in flood-prone areas of South Africa. Despite the end of Apartheid in 1994, persistent inequality and disputes persist, with 4 to 5 million people now residing in these settlements
Unemployment and Housing	Rural-urban migration and unemployment exacerbate housing shortages, leading to overcrowding and health risks in informal settlements. Renting out informal housing undermines official initiatives, hindering efforts to eradicate informal settlements by 2030.
Lack of cooperation between Stakeholders	Public input is crucial, and a bottom-up approach is advocated under the National Housing Code of 2009. However, recipient involvement often occurs late and minimally, leading to potential violence, particularly in Gauteng. Discontent among beneficiaries arises from unmet basic needs and limited stakeholder participation, often preceding societal problems.
Population growth	Since 1994, South African municipalities have had to respond to changing demographic and settlement patterns linked to interprovincial migration, household fragmentation, and continued urban growth. These shifts have placed added pressure on municipal planning and service delivery. Even where attempts have been made to manage urban expansion, population growth and the pull of economic opportunities have continued to strain available resources and deepen housing shortages.
Unlawful Occupation and Housing	South Africa has also experienced growing pressure from unlawful land occupation, particularly in large urban centres. During the National State of Disaster, reports of land invasions increased, making service provision and budget planning more difficult for municipalities. Unauthorised occupation often creates serious practical challenges, including pressure on sanitation systems, safety risks, and the extension of settlements into areas without adequate infrastructure. This places an additional burden on local government, which must respond to immediate humanitarian and administrative pressures while also managing formal housing processes for those already waiting within the system.
Urbanisation	In emerging nations, urbanisation is increasing exponentially, and it is currently the modern trend of the globalised globe, which is advancing extremely quickly with the help of routinely inventive technology

Source: (Malik & Wahid, 2014; Nokulunga et al.,2018; Marutlulle,2021).

The Minister of Housing has the following functions in addition to and in support of the general responsibilities:

- Creating a system of national housing institutions and resources.
- Housing development funding allocation negotiations.
- Government housing program funding distribution to state and local governments.
- To create and update a long-term strategy for the construction of homes.
- Establish and fund national organisations dedicated to housing development.
- Assess the housing market's effectiveness, and
- To act appropriately to assist all role participants by making the conditions favourable.

3.4. The History of the Reconstruction Development Program (RDP)

The Reconstruction and Development Programme (RDP) is a document that marks the conclusion of one phase and the start of another. The ANC, its Alliance allies, and other major organisations from the broader civil society held months of consultations to produce the

document. The policy framework in this publication is the result of this consultation. The work of creating the comprehensive legislative and policy program required to implement the RDP is now underway. The Reconstruction and Development Program was a comprehensive socio-economic policy framework implemented in South Africa after the end of apartheid in 1994 (Rykleif & Tengeh, 2022). It aimed to address the deep-rooted inequalities and injustices that were created by apartheid policies. One of the key goals of the RDP was to provide basic services such as housing, water, electricity, and healthcare to all South Africans. The RDP was "designed to mitigate the impact of apartheid on the majority of South Africans".

The RDP was officially launched by the African National Congress government in 1994 and was intended to serve as a blueprint for development and reconstruction in the post-apartheid era. The RDP also placed emphasis on job creation, infrastructure development, and land reform as part of a wider attempt to respond to the legacy of apartheid dispossession. Hassim describes the RDP as an ambitious response to historical inequality and social exclusion as quoted in McKinley (1997). But in practice the implementation was hampered by lack of funds, delays caused by bureaucracy and opposition from various actors. Nonetheless, the programme broadened access to basic services and influenced later development policy in South Africa.

Its legacy is visible in debates on development, social justice and equality. In housing, this is seen in questions on how vulnerable households are identified and supported, as such decisions impact on access to assistance (Kuhlengisa, Rulashe & Jakoet-Salie, 2024). Developed in consultation with government, organised labour and civil society, the RDP was a significant policy moment in South Africa's response to the social and economic legacy of apartheid (Wessels, 1999).

3.5. Conceptual Framework

in legislation, limited administrative capacity and demographic pressure. Many households are still unable to afford formal housing. Informal settlement thus becomes a practical, though insecure, response to housing need (Lemanski, 2009). Urbanisation has put additional pressure. The process of rural-urban migration and population growth continues to put pressure on land, infrastructure and basic services (Turok & Borel-Saladin, 2016). These patterns are also linked to the legacy of apartheid spatial planning in South Africa, which still shapes the locations of poor households and urban growth (Huchzermeyer, 2009).

Legislative and administrative conditions also impact the growth of informal settlements. Land tenure, property rights and zoning rules often do not match the realities of marginalised households. Thus, many residents are not part of formal housing systems (Huchzermeyer, 2004). Weak urban planning, limited resources for service delivery and bureaucratic delays also slow efforts to upgrade or formalise informal settlements (Conradie & Rulashe, 2023).

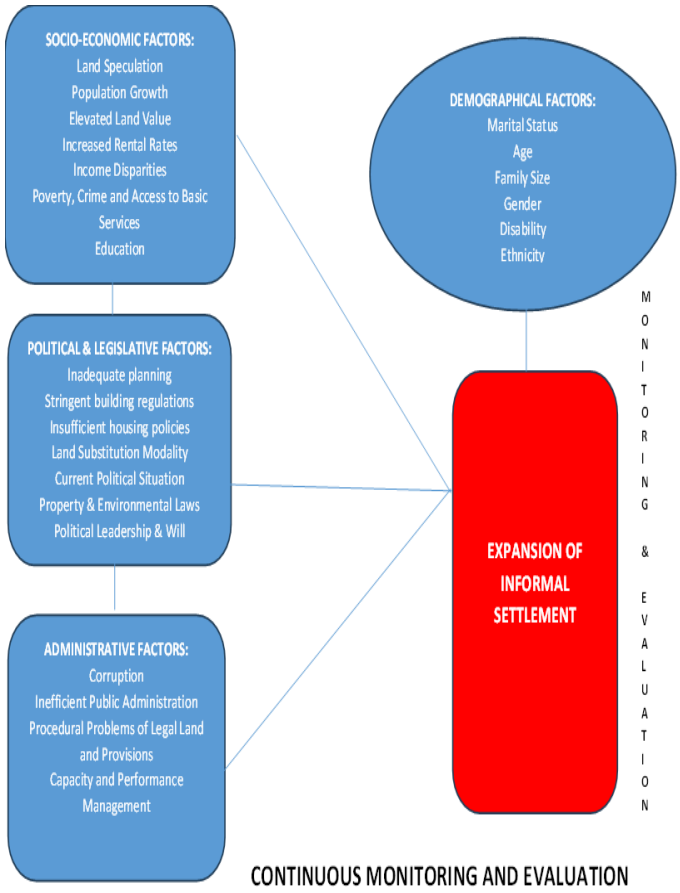


Figure 1: Informal Settlement Conceptualisation as Adapted from Endalew (2022)

Demographic pressure is making the problem worse. Population growth, young household profiles and economic marginalisation continue to drive households to insecure housing options. People living in rural areas and those already in informal settlements are especially vulnerable to housing insecurity (Ndaba, Mncayi-Makhanya & Dunga, 2025). Pressures are also connected to governance as housing outcomes depend on the coordination of responsibilities, enforcement of rules and accounting of delivery decisions by institutions (Mhlongo et al., 2024).

3.6. Theoretical Grounding: Theory of Collaboration & Institutional Theory

This study draws on Collaboration Theory and Institutional Theory to make sense of the governance and implementation challenges affecting RDP housing delivery in Buffalo City Metropolitan Municipality. Collaboration Theory is useful because housing delivery depends on the ability of government institutions, communities, and other stakeholders to work together (Ansell & Gash, 2008). Institutional Theory adds to this by showing how rules, administrative practices, organisational norms, and capacity shape implementation in practice (Scott, 2014). Together, the theories position housing delivery as both a relational and institutional process.

This is important because housing is not delivered by one actor alone. It involves different spheres of government, public and private actors, and communities. Emerson, Nabatchi, and Balogh (2012) understand governance as a process shaped across public, private, and civic domains. Applied to this study, this means that housing delivery requires more than policy commitment. It depends on coordination, trust, communication, role clarity, and capable institutions. These conditions influence how rules are applied, how accountability is maintained, and whether administrative capacity supports or weakens implementation.

Table 2: Theory of Collaboration and Institutional Theory

Theory	Core concepts	Key assumptions
Collaboration Theory	Interdependence; coordination; trust; shared goals; joint decisions	Cooperation occurs when incentives align; rules enable coordination
	What the theory explains	**Application to this study**
	How multi-actor relations shape implementation and accountability	Interprets how stakeholder coordination affects delivery, allocation and dispute handling
	Core concepts	**Key assumptions**
Institutional Theory	Formal rules; routines; norms; incentives; capacity; enforcement	Institutions shape behaviour; compliance depends on incentives and capability
	What the theory explains	**Application to this study**
	Why organisations follow or deviate from rules; how routines create gaps	Explains how policy rules and administrative routines shape decisions, oversight and outcomes

Source: Author's Construction

Table 2 indicates how Collaboration Theory and Institutional Theory guide the analysis. Collaboration Theory describes how poor coordination, weak community engagement and unclear roles can slow delivery and deepen disputes over allocation and occupation. Institutional Theory further argues that rules, routines, enforcement practices and capacity constraints influence implementation over time (Scott, 2014; Lahat & Sher-Hadar, 2021).

In local government, instruments such as the Integrated Development Plan and the Service Delivery and Budget Implementation Plan can help clarify responsibilities, align priorities, and structure participation (Tauté, 2020).

Still, the existence of these instruments does not guarantee delivery. Delays, weak oversight, and uneven enforcement may continue to affect implementation. Read together, the two theories show that housing delivery challenges are not merely technical. They are shaped by institutional arrangements and by the quality of relationships among actors.

4. Methodology

This study adopted a qualitative, exploratory design to examine constraints affecting state-subsidised, or RDP, housing delivery in Buffalo City Metropolitan Municipality. The analysis was based on document review and focused on municipal governance, housing allocation, and unlawful occupation. The documents covered the period 1994 to 2025, with closer attention given to sources published between 2020 and 2025 because of their relevance to recent housing debates. These included scholarly literature, legislation, policy documents, audit and oversight reports, and municipal planning records. Sources were selected on the basis of relevance, credibility, and their direct connection to municipal housing implementation. Repetitive, weakly related, or unverifiable material was excluded. The material was analysed through qualitative content analysis. Coding helped identify recurring themes and connections across the documents. To strengthen credibility, the study used different types of documentary evidence, kept a record of analytical decisions, and stated its methodological choices and limitations clearly (Lincoln & Guba, 1985; Creswell & Poth, 2017).

5. Observations and Discussion

5.1. Unit of Analysis

Buffalo City Metropolitan Municipality, located in the Eastern Cape, is one of the province's key urban centres. By 2021, its population exceeded 800,000, spread across approximately 2,536 square kilometres (Buffalo City Metropolitan Municipality, n.d.). The municipality also plays a role in the regional economy, with activity in manufacturing, automotive production, and agriculture (Municipal Demarcation Board, 2021). Buffalo City Metropolitan Municipality offers a useful setting for this study because it brings together different settlement patterns within one municipal space. Its area includes coastal communities, inland urban centres, and rural settlements, each with different service delivery and housing pressures. The municipality is also socially diverse, with Xhosa, Afrikaans, and English-speaking communities forming part of its broader demographic profile (Buffalo City Metropolitan Municipality, n.d.). This mix of

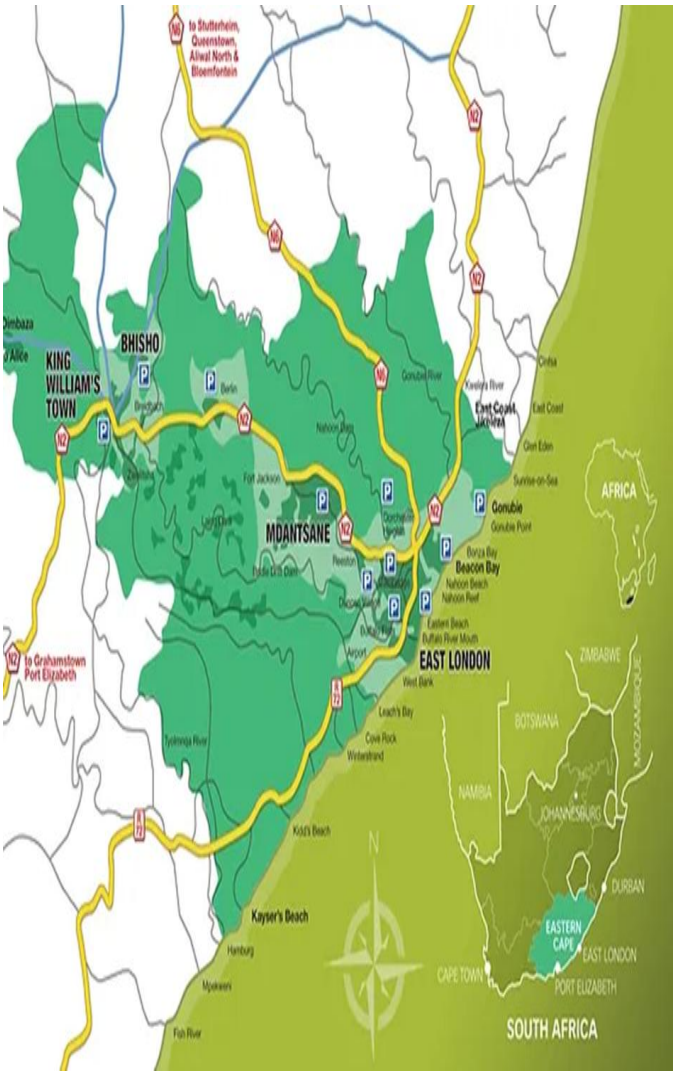


Figure 2: Buffalo City Metropolitan Municipality
Source: Buffalo City Tourism (2023)

geography, population, and uneven development makes BCM a relevant case for examining how housing provision is experienced in a South African metropolitan context.

5.2. Challenges in the delivery of RDP houses in South Africa

5.2.1 Illegal occupation of houses

In practice, some beneficiaries only discover at the point of allocation that the houses meant for them are already occupied. For municipalities, this creates a difficult administrative and legal process. Evictions are rarely quick, and they can become costly, contested, and procedurally demanding. This situation is further complicated by the use of forged documents, as officials must first determine who has a legitimate claim to the property (Bailey, 2017).

The problem has been reported in areas such as Reeston, Duncan Village and Fynbos in the Buffalo City Metropolitan Municipality. Its persistence indicates that illegal occupation is not just a housing administration problem. It reveals the frailty in allocation control, record management, legal enforcement and public trust. This also explains the practical importance of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998, which provides the legal procedure to be followed in dealing with occupation disputes and evictions .

5.2.2 Place of housing developments

Many RDP projects are located in areas where basic infrastructure is still weak. Some residents live far away from schools, clinics, shops, workplaces and municipal services. In other settlements, the access to water, sanitation and electricity is still insufficient. This raises questions as to whether some land selected for housing development in Buffalo City Metropolitan Municipality is suitable. In BCM, the site selection is driven by rapid urbanisation, limited land and the challenge of finding land that is both developable and well positioned. The challenge is compounded by informal settlements, particularly in areas where land lacks infrastructure and tenure security (Turok & Borel-Saladin, 2016).

These difficulties are also tied to South Africa's spatial legacy of segregation and uneven resource distribution, which continue to influence housing outcomes (Huchzermeyer, 2011). Bureaucratic and regulatory delays further slow land release and project preparation (Mabin, 2005). This suggests that housing delivery in BCM depends not only on funding, but also on spatial planning, land management, and meaningful community involvement.

5.2.3 Quality of houses

Housing quality has been a topic of discussion for a long time. The then-Public Protector, Thuli Madonsela, presented a 2013 report to Parliament on problems with affordable housing. Her study covered topics such as foundationless homes and houses made of readily decomposable materials. Some houses needed to be taken down and rebuilt because their defects were so serious. In just one year, she received more than 5000 complaints regarding the poor quality of the RDP houses. For instance, the "bucket system" was still in use in the Eastern Cape, Northern Cape, Western Cape, and Free State, where residents complained that their dwellings lacked insulation and bathrooms. (Bailey,2017). Oversight findings on defects and standards point to persistent quality assurance and contractor governance problems in subsidised housing delivery (Auditor General, 2022).

One of the ways Buffalo City Metropolitan Municipality helped residents was by placing them in

temporary housing structures in Braamfontein, not far from Duncan Village. The conditions in which people in this area live are bad because the temporary houses are dug into the ground, and their roofs leak. The residents said they want Buffalo City Municipality to build permanent houses because they are tired of this situation. More than 100 residents were moved to these temporary houses, and all of them depend on five public toilets that are now blocked, so they hide in the bushes to relieve themselves. They only have two water pumps. According to the municipality report, 20 public toilets were built, but they were damaged due to poor construction (Tauté, 2020).

Maintaining tenants

Renters have been advised by certain construction companies hired to build RDP homes that they had 6 months to report any problems before they became liable for maintenance themselves. This amounts to a flagrant dereliction of duty and is likely unlawful, as many construction faults take longer than six months to manifest. In any event, it is just wrong to demand that the underprivileged pay for the cost of rectifying shoddy workmanship.

5.2.4 Title deed

To assert ownership of a property, whether a house or land, obtaining a title deed is imperative. Legal assistance is often needed during the transfer of title deeds to rightful beneficiaries. By April 2016, government still had responsibility for issuing about 900,000 title deeds to RDP beneficiary households. These delays were partly linked to difficulties in completing township establishment processes, which slowed the registration of new housing areas and, in turn, the transfer of title documents. Moreover, prior to 1994, there had been a persistent backlog in the delivery of title papers, attributed to intricate Discount Benefit Plan matters requiring resolution and to pending transfers of some Old Town Township Homes to their original owners (Bailey, 2017).

Rising protests over poor service delivery have been linked to shortcomings in the RDP housing programme, including reported incompetence and corruption. Despite the construction of millions of houses, the housing backlog remains unresolved. Housing complexes continue to often support apartheid-era spatial planning, and designated housing zones have generally not been incorporated into the local economy. This represents a failure of the RDP's integrated development philosophy, which advocates for public-government cooperation as opposed to the latter imposing its own agenda. Consequently, it could be necessary to revise. (Bailey,2017).

Other notable Challenges include:

- Nepotism in Housing Projects
- Budget Shortfalls
- National Housing Needs Register

In this article, political challenges refer to forms of political or patronage-related interference that affect administrative processes and resource decisions in housing delivery. This includes pressure by political office bearers and councillors on beneficiary selection and waiting lists, gatekeeping and favouritism in allocation, influence over contractor appointment and procurement decisions, and the use of housing opportunities to build political support. Such interference can weaken fairness, deepen disputes, and reduce trust in housing delivery. From a collaborative governance perspective, these problems are more likely where roles are unclear, transparency is limited, and accountability is weak. In these conditions, competing interests can override established rules, affecting consistent and fair implementation (Lahat & Sher-Hadar, 2021; Tauté, 2020; Rulashe & Ijeoma, 2022).

5.3. Eviction under South African law

Under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE), an unlawful occupier is someone who occupies land without the consent of the owner or relevant authority and without any legal right to do so. The Act sets out procedures for eviction, including notice of at least 14 days and a court order granted after a hearing. Where a state body seeks such an order, the court must also consider whether adequate alternative accommodation or land is available. An eviction is therefore lawful only when these legal requirements have been met. However, the incidence of illegal evictions in South Africa surged during the COVID-19 pandemic. In response to the widespread evictions during the crisis, new policies were implemented to protect illegal occupants from removal during lockdown periods (Msindo, 2021). This is also a demonstration of the government's efforts not only to protect the property owner but also the occupants' constitutional and human rights.

5.4. Strategic Policy and Legislative Application for Housing.

In the Buffalo City Metropolitan Municipality (BCMM), the strategic application of policies and legislative frameworks is paramount to the effective implementation of the Reconstruction and Development Programme (RDP).

As one of South Africa's key urban centres, BCMM faces significant socio-economic challenges, particularly in housing provision. This section explores how strategic policy and legislative initiatives can be leveraged to address these challenges and advance the RDP's goals within the municipality.

Table 3: Policy and Legislative Applications for Housing

instrument	Application to housing delivery
Constitution of the Republic of South Africa, 1996	Establishes housing rights and mandates progressive realisation.
Housing Act 107 of 1997	Defines roles, responsibilities and housing development principles.
National Housing Code (Issued in terms of the Housing Act 107 of 1997)	Sets subsidy programmes, eligibility rules and implementation norms.
Breaking New Ground, 2004	Reorients housing towards integrated sustainable human settlements.
Prevention of Illegal Eviction Act 19 of 1998 (PIE)	Regulates lawful eviction; protects occupiers against arbitrary removals.
Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA)	Guides land-use planning to support integrated settlement development.
Municipal Systems Act 32 of 2000	Requires participatory governance and accountable municipal service delivery.
Municipal Finance Management Act 56 of 2003 (MFMA)	Governs budgeting, procurement and financial oversight in housing projects.
Public Finance Management Act 1 of 1999 (PFMA)	Sets financial control norms for provincial housing departments.
Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA)	Enables targeted procurement; shapes contractor selection in projects.
Promotion of Administrative Justice Act 3 of 2000 (PAJA)	Requires fair, lawful decisions in allocation and housing processes.
Division of Revenue Act (Annual)	Allocates housing grants; conditions funding flows and reporting.

Source: Author Construction (2026)

Section 26 of the Constitution establishes access to adequate housing as a justiciable right and imposes a duty on the state to take reasonable measures, within available resources, to progressively realise this right. In practice, this constitutional standard conceptualises housing delivery as not only a service function, but also an administrative responsibility that must be performed lawfully and fairly with due regard for rights. It also protects tenants from being evicted for no reason. Evictions and demolitions can only take place by court order and after considering the relevant circumstances. This is especially the case where occupation, eviction and relocation are contested.

The right to housing as a constitutional right is given operational effect through the Housing Act 107 of 1997 which prescribes the principles of housing development and the assignment of responsibilities to the three spheres of government. This is especially relevant for households excluded from the formal housing market. This is extended further by the National Housing Code and Breaking New Ground framework to view housing as part of sustainable human settlement development, as opposed to the mere provision of housing units.

Governance and financial controls also have an impact on the implementation of housing. The Municipal Systems Act provides for participation and accountability and the MFMA regulates municipal budgeting, procurement and financial management. The PFMA is important where housing funds are administered on a provincial basis. The PPPFA is an example of procurement laws that impact on contractor selection, compliance, transparency and value for money.

Administrative justice is no less important. In terms of the PAJA all decisions with regard to housing must be lawful, reasonable and procedurally fair, particularly with regard to the allocation and dispute procedures. The Division of Revenue Act regulates the flow of funds between the spheres and SPLUMA regulates land-use planning and settlement development. These frameworks suggest that housing delivery challenges are not merely technical. They are also in the legal, administrative and governance space.

The analysis reveals several constraints, including land availability, site readiness, unlawful occupation, allocation disputes, uneven infrastructure, housing quality issues, weak beneficiary management, and delays in title deeds. These challenges are exacerbated by limited administrative capacity and governance risks such as allocation manipulation and procurement pressure. From a relational perspective, weak coordination, poor information flow and limited community engagement lead to poor responsiveness and fuel disputes. At an institutional level, oversight is hamstrung by rigid procedures, inconsistent enforcement and capacity gaps. The three priorities are: improve transparency in allocation, strengthen project oversight, and use planning instruments such as the IDP and SDBIP to improve coordination and community participation.

5.5 Linking the findings to the theoretical lenses

The findings are discussed in the light of Collaboration and Institutional Theory. Collaboration Theory is useful as the delivery of RDP housing depends on a number of actors working together . Poor communication, unclear roles and uneven accountability make implementation difficult (Ansell & Gash, 2008; Emerson, Nabatchi & Balogh, 2012). Institutional Theory provides an additional dimension by focusing on the rules, routines and organisational capacity that shape delivery. This helps to explain why implementation gaps can persist even when policy objectives appear clear (Scott, 2014).

The main weaknesses from a collaboration perspective are related to coordination, participation and stakeholder alignment. Poor coordination in spheres and sectors affects land readiness, sequencing of infrastructure and beneficiary management. Limited community engagement and weak information flows,

and the erosion of public trust can amplify disputes over allocation, occupation and eviction (Tauté, 2020; Lahat & Sher-Hadar, 2021). Processes of housing can also become subject to pressure, interference and patronage where interests of stakeholders are poorly aligned.

Institutional Theory points to flaws in the administrative system itself. Procurement and financial rules can impact project timelines and contractor performance, but weak internal controls hinder oversight and accountability. But the uneven application of the rules and the usual administrative failings can result in repeated gaps in fairness and compliance in allocation and dispute processes. This implies that implementation is driven not only by policy objectives but also by organisational capacity, the mundane practice of administration and the consistency of enforcement.

6. Conclusion

RDP housing delivery in BCM remains affected by a cluster of related problems. Poor construction quality, weak ventilation, overcrowding pressures, affordability gaps, limited land, unauthorised rentals, informal landlordism, negligence, and corruption all shape the delivery environment. These issues show that progress cannot be assessed only by counting completed houses. The quality of support given to beneficiaries and the ability of institutions to work together are equally important.

For BCM, the central concern is governance. Stronger implementation systems, clearer accountability, transparent procurement, and credible anti-corruption measures are needed to reduce irregularities in allocation and construction. Clearer institutional responsibilities may also improve decision-making and reduce administrative delays.

Improved coordination across spheres of government would help align policies, use resources more effectively, and support implementation. This would place BCM in a stronger position to respond to housing demand while improving both access and quality. Future research should examine practical and sustainable responses to housing challenges in South Africa and the wider African context.

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