



Centre for Applied
Legal Studies

MEDIA RELEASE

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COURT FINDS CITY OF JOHANNESBURG'S ACCOMMODATION POLICY UNCONSTITUTIONAL

On Friday 22 August, the Johannesburg High Court handed down a landmark judgment for housing and evictions cases. The Court found that rules in the City's Ekutheni shelter violate residents' rights to freedom and security, dignity, and privacy.

Ekutheni shelter has been used as alternative accommodation since 2012 after a Constitutional Court ruling. The City was ordered to provide temporary housing for people who were left homeless after they were evicted from their homes in Saratoga Avenue. The shelter, managed by Metropolitan Evangelical Services, implements a 'managed care model'. The most troubling aspects of this model include rules for daytime lockouts (where residents cannot access their accommodation during the day), gender segregated accommodation (forcing families to separate) and evictions from residences without court orders.

The Socio-Economic Rights Institute (SERI) brought the matter to court, arguing that these rules infringe on the residents' rights and the case was heard on 12 August 2014. CALS, represented by the Legal Resources Centre, entered in the matter as *amicus curiae*. Our submissions argued that not only are these rules unconstitutional but they have a disproportionate impact on women.

Judge Wepener ruled in our favour, finding that the City's policy on temporary accommodation is unconstitutional on all accounts and interdicting the City from implementing these rules. "The judgment is important in illustrating that the poor are treated equally. It further highlights the importance to consider the implications of policy and rules for temporary alternative accommodation on women," said Zeenat Sujee, attorney at CALS.

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