



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

THE CITY'S STREET PEOPLE RESPONSE FREQUENTLY ASKED QUESTIONS

Last updated: 25 September 2020

Q	Which level of government holds the constitutional mandate for street people?								
A	<p>Addressing homelessness is the responsibility of national and provincial Government, who jointly hold the constitutional mandate and budgets for welfare services.</p> <p>As a caring government, the City goes above and beyond our own resources to help people get off the street.</p> <p>Our social development programme for street people 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 Expanded Public Works Programme (EPWP) <p>The City is also responsible for enforcing its by-laws, which apply to everybody who lives in, works in or visits Cape Town, and from time to time this includes street people.</p>								
Q	What is the size of Cape Town's street people population?								
A	According to the City's last enumeration in November 2018, Cape Town's street people population is just over 6 000. Approximately one-third are living in shelters around the metropole.								
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>								
Q	Why refer to street people and not homeless?								
A	<p>Not everyone who finds themselves on the streets is homeless. Some street people, when enabled with a home, will return to the street due to an inability to maintain a home, both financially and otherwise.</p> <p>There are different types of homeless people, which can be classified into three main categories: chronic homelessness, transitional homelessness and episodic homelessness.</p> <table border="1"> <thead> <tr> <th>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 frequently in and out of homelessness, usually younger, and 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 left the home as a result; 'day strollers' who migrate to areas where economic opportunities exist (including street children); parolees who settle in public open spaces; people with mental illnesses, and people who have been left destitute and are rough sleeping.</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 frequently in and out of homelessness, usually younger, and due to abuse, unemployment, mental illness, medical problems or family circumstances.
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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, who does have oversight over shelters that are generally run by non-governmental organisations (NGOs).</p> <p>The City is not constitutionally enabled to operate shelters, nor does it have oversight over shelters. It has, however, gone above and beyond to support shelters and create “safe spaces”.</p> <p>In 2018, the City established its first Safe Space, which is not a shelter per se, but a transitional space for those who are interested in reintegration. People are moved into the Safe Space and then into a more established shelter, or back home, if they wish to continue the path to reintegration.</p>								
Q	What is the City doing for shelters?								
A	<p>The City has no direct role in the establishment and running, or oversight of shelters. That said, we partner with NGOs who operate shelters to provide funding and resources where possible, particularly during winter when the demand for shelter space increases.</p> <p>So far, in the current financial year, we have distributed R50 million to organisations working with vulnerable groups, including street people organisations.</p> <p>The funds will go towards building extra capacity and additional resources that should sustain the organisations for at least six months. The City has also established safe spaces which act as pre-shelters to rough sleepers. The City will be expanding this programme to hotspots across the metropole, with existing pre-shelters listed below:</p> <table border="1"> <thead> <tr> <th>Safe Space</th><th>Capacity (during COVID-19)</th></tr> </thead> <tbody> <tr> <td>Culemborg Site 1</td><td>126</td></tr> <tr> <td>Culemborg Site 2</td><td>96</td></tr> <tr> <td>Paint City</td><td>112</td></tr> </tbody> </table>	Safe Space	Capacity (during COVID-19)	Culemborg Site 1	126	Culemborg Site 2	96	Paint City	112
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Q	What is the City doing to help street people?								
A	<p>Apart from the support we provide to shelters, the City's Social Development and ECD Department has a Street People Reintegration Unit that conducts daily outreach activities in areas where street people gather. Unit members are tasked with:</p> <ul style="list-style-type: none"> • building relationships with street people, and • engaging with them about their needs and what assistance can be offered to them <p>Over the years, it has:</p> <ul style="list-style-type: none"> • assisted individuals and families with shelter placement • provided access to medical services for those who need it • assisted with applications for identity documents, social grants, reintegration into their communities and reunification with their families 								
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.</p> <p>Some reasons include:</p> <p>Displacement, migration to cities, the COVID-19 pandemic, releasing of parolees by the Department of Correctional Services without subsequent support systems, and economic causes such as unemployment and weak economic growth.</p> <p>Many, if not most, street people turn down offers of assistance to get off the street. Irresponsible handouts instead of donating to shelters and NGOs further prevent people from getting off the street.</p> <p>It is not illegal to be homeless and no person can be forced to accept social assistance. There are also those who attempt reintegration, but then end up back on the streets.</p>								

Q	How can you expect people to move into shelters when there aren't enough bed spaces available?
A	<p>Most days, there are bed spaces which go unused at shelters. This figure is monitored by the City to assist those people who are looking for accommodation.</p> <p>The City's Safe Spaces have further introduced nearly 400 additional bed spaces for street people, with the activation of an additional Safe Space in Bellville and the recent opening of our expanded Safe Space in Culemborg.</p> <p>The City provides monetary support to existing shelters, including R50 million grant-in-aid funding during the national lockdown period despite welfare being the constitutional mandate of national and provincial governments.</p> <p>We are also in the process of working with these shelters to increase their bed numbers. Prefabricated structures are being erected on City land that can be managed as part of the shelters.</p> <p>Work will start in Retreat, Schaapkraal, Kensington, Wynberg, District Six and Claremont among others.</p>
Q	What can the public do to help?
A	<p>Social Development and ECD is appealing to all communities to assist street people in a sustainable way. Instead of offering food and other items to street people, rather support shelters that offer sustainable care.</p> <p>Encourage homeless people to use the shelter facilities where they are able to get a meal, shower, bed and other services.</p> <p>We can only make progress if we work together to help our homeless communities. By enabling a homeless person to remain on the street we deter them from utilising the opportunities that are available at shelters.</p> <p>Direct your acts of kindness to an established shelter or NGO instead. 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>
Q	Why should I support a shelter instead of street people directly?
A	<p>There are hundreds of street people trying to improve their lives by actively seeking help through shelters.</p> <p>People who go to shelters generally want help to get off the streets, find a job and eventually support themselves.</p> <p>By supporting a shelter, members of the public are helping those street people to access opportunities to better themselves, rather than worsening situations by sustaining people on the streets where they are 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>Christine Revells Childrens home 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: https://tinyurl.com/yxkejya8</p>

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 street people.</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, public urination and bathing, public indecency and damage to municipal infrastructure, as well as more serious criminal offences such as assault and intimidation.</p> <p>It would be a dereliction of duty if we did not respond to these complaints. Officers must enforce the law for all people engaging in criminal offences. They cannot issue a notice to some but exempt others – the determination of appropriate penalties, if any, is the jurisdiction of the courts.</p> <p>However, often the enforcement actions result in street people having to take responsibility for the actions they engage in on the street, which assists with their reintegration.</p>
Q	Do Law Enforcement staff remove the personal belongings of street people?
A	<p>Officers do not remove personal belongings. Only the waste accumulated at sites where street people gather, is removed.</p> <p>Many street people engage in informal recycling activities. This results in unsightly waste build-up in open spaces which also presents health risks to the community and the street people. During operations, officers request that people collect their personal belongings before they continue. 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>Addressing structures placed on sidewalks and public places is necessary due to other national legislation which governs the unauthorised occupation of land and places the responsibility for rapid action on property owners and government.</p>
Q	Street people who have previously been moved or left an area keep coming back. What is the City going to do about it?
A	<p>It is not illegal to be homeless, meaning the City cannot force anyone off the street or force them to accept social assistance. What the City does do, is enforce its by-laws.</p> <p>Our by-laws prohibit the erection of tents or structures in public, the making of fires in areas not designated for the 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 by-laws do not allow for arrest – at least not immediately. Enforcement staff will issue a compliance notice first, and in the event of non-compliance, they will issue a notice (fine). This notice is an admission-of-guilt fine, which is paid to admit guilt and avoid an appearance in court.</p> <p>Where the fine is not paid, a summons is issued to appear in court. Failure to appear in court results in a warrant of arrest being issued by the court, which is controlled by national government. However, most magistrates are reluctant to issue warrants, and so very few of the fines issued for non-compliance with by-laws result in meaningful change.</p> <p>Even where warrants of arrest are issued and executed, street people appearing before a court seldom face any consequences. These decisions are under the control of the National Prosecuting Authority and the courts, not the City.</p> <p>This is one of the reasons why street people keep returning to areas that have been cleared by the City. It is also important to note that street people congregate where there are handouts available or an opportunity to make money.</p>

	<p>Residents are therefore encouraged to direct their support for street people to registered shelters or organisations instead. Access to direct handouts make it more likely for people to reject offers of social assistance in the form reintegration, reunification or opportunities at shelters.</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 off the street. This requires a whole-of-society approach.</p> <p>As a result of the national lockdown regulations and ongoing court cases, the City is restricted in its enforcement of certain areas of the by-law.</p> <p>The City cannot remove or demolish any occupied structures (including tents) without an eviction order. (Evictions are currently not permitted under national lockdown.) The only time the City can act to enforce its by-laws is when a structure is unoccupied or semi-built.</p>
Q	Why does the police not take action regarding street people?
A	<p>SAPS and City enforcement services can and will arrest any person who engages in serious criminal offences, such as assault or robbery. However, with regard to by-law offences, the law only allows for fines to be issued.</p> <p>An arrest in relation to a by-law can only take place if a person refuses to supply his or her name and details to an officer attempting to issue a warning or fine. In this case, the arrest is made under the powers of the municipal peace officer in terms of the Criminal Procedures Act.</p> <p>An arrest may also follow if the admission of guilt fine is not paid and the person does not appear in court. In this instance, the court will issue a warrant of arrest for contempt of court, as required by national law.</p>
Q	What must I do to report problems with street people or to ask for help for someone on the street?
A	<p>The City has changed how it responds to complaints about street people. Social care call centre agents were employed at the call centre a few years ago to ensure that the City prioritise a response by social workers or outreach workers.</p> <p>Only once the outreach workers confirm that our offers of assistance have been declined, would the matter be handed to law enforcement officers.</p> <p>The call centre agents who respond to callers asking for support for street people as well as those who respond to other emergency and policing complaints are located at our 107 Public Emergency Communications Centre.</p> <p>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. The social workers or law enforcement staff will then be dispatched for service based on the priority level of the request.</p>
Q	What process is followed during operations?
A	<p>Operations have three phases:</p> <p><u>Phase 1</u></p> <p>A compliance notice is issued in terms of the relevant by-laws. Street people are allowed to remove their belongings and other items. Social assistance is offered to those who wish to be relocated off the streets.</p> <p><u>Phase 2</u></p> <p>A section 56 notice is issued to those who failed to comply with the compliance notice served the previous day. They will be allowed to remove their belongings and other items, and social assistance is offered.</p>

Phase 3

Temporary makeshift structures that have been abandoned or are incomplete will be removed. Structures that have been erected on a sidewalk and intentionally block or interfere with the safe or free passage of pedestrians or motor vehicles will be removed immediately once the City is in possession of a court order authorising it to do so, in terms of the current state of Disaster.

Items dumped, stored and/or accumulated by street people will be cleared.

Tents cannot and will not be removed as they are seen as a personal belonging; however, a person can be issued with a section 56 notice in terms of the [Streets and Public Places By-law](#) should he or she fail to remove the tent/structure.