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About NASHO

The National Association of Social Housing Organisations (NASHO) is an independent member-based association representing accredited Social Housing Institutions (SHIs), Municipal Owned Entities (MOEs), and Other Delivery Agents (ODAs) operating within the social housing sector in South Africa. Collectively, NASHO members oversee more than 71% of the country's regulated social housing stock under the oversight of the Social Housing Regulatory Authority (SHRA).

NASHO's mandate is to support the growth, sustainability, and transformation of the social housing sector, which provides affordable rental accommodation to low and moderate-income households in well-located urban areas.

Introduction

NASHO welcomes the opportunity to comment on the Prevention of Illegal Eviction from and Unlawful Occupation of Land Amendment Bill, 2026 (the Bill), published for public comment on 16 April 2026.

NASHO supports the Bill's objectives of strengthening measures to prevent unlawful land occupations, clarifying the roles and responsibilities of various stakeholders, and facilitating more efficient and effective eviction processes where unlawful occupation has occurred. These objectives are important for protecting property rights, safeguarding public assets, and promoting legal certainty.

However, from the perspective of the social housing sector, the Bill contains several gaps that may unintentionally undermine the sustainability of **publicly funded rental housing programmes**. In particular, the Bill:

- does not adequately address organised rental boycotts,
- does not recognise the unique statutory role of accredited Social Housing Landlords in protecting public housing assets, and
- may inadvertently expose Social Housing Landlords (SHLs) to obligations that fall outside their legislated mandate.

Given the significant public investment in social housing and its role in addressing South Africa's housing backlog, NASHO submits that additional amendments are necessary to ensure that the Bill appropriately balances the rights of unlawful occupiers with the need to protect scarce social housing assets for the benefit of current and future qualifying beneficiaries.

Our detailed comments and proposed amendments are set out below.

Organised rental boycotts and invasions

While the Bill criminalises the incitement of unlawful land occupations, it is silent on the incitement, organisation, and facilitation of collective rental boycotts by lawful tenants.

Organised rental boycotts have emerged as one of the most serious threats to the financial sustainability of South Africa's Public Rental Housing Programmes (social housing and Community Rental Units (CRU)). Unlike isolated cases of tenant default arising from genuine financial hardship, organised rental boycotts involve coordinated efforts to withhold rental payments. Such actions undermine the financial viability of social housing projects as well as other state owned and/or managed rental housing programmes, compromise the sustainable delivery of affordable housing, and threaten the long-term sustainability of publicly funded housing assets.

The consequences of organised rental boycotts are critical. Some delivery agents have experienced severe financial distress as a direct result of prolonged and organised non-payment campaigns. Examples of these cases are provided below:

Yeast City Housing in the City of Tshwane

Yeast City Housing, a non-profit Social Housing Institution that manages Thembelihle Village in Tshwane, was placed under business rescue with debt exceeding R130 million accumulated as a result of a rent boycott during the Covid-19 period. The financial distress included litigation costs of over R2 million. Critically, the organisation was unable to obtain a single eviction order against defaulting tenants during the boycott, despite spending enormous resources on legal proceedings. The chairperson of Yeast City Housing publicly stated that the courts "failed us" because no eviction orders were granted, which left the organisation with no remedy against

organised non-payment. The City of Tshwane subsequently disconnected electricity to the complex due to non-payment, and the project's outstanding arrears approached R60 million. The landlord stated in court papers that tenants had embarked on an organised rent boycott and were therefore considered unlawful occupiers[1].

Ekurhuleni Housing Company

The Ekurhuleni Housing Company (EHC), a municipal-owned social housing entity, has experienced similar challenges at several of its rental housing developments, including the Pharoe Park, Airport Park, and Delville complexes (Banda, 2025).

The financial consequences have been devastating. By August 2025, EHC was carrying R260 million in bad debt from unpaid rentals, alongside R69 million owed to the City of Ekurhuleni for rates and services consumed by unlawful occupants. Instead of collecting an expected 90% of rentals, EHC collects only between 20% and 30%, which is unsustainable[2]. In Delville Extension 9, only 15 out of 112 units were paying rent[3].

After months of engagement, EHC turned to evictions as a last resort (Dube, 2025). In August 2025, the Sheriff executed a court order evicting non-paying tenants from Pharoe Park. The evictions triggered violent protests, including the torching of the Germiston Home Affairs building, a two-storey structure that was set alight by petrol bomb, with two suspects arrested for arson, public violence and malicious damage to essential infrastructure.

In January 2026, EHC carried out further evictions at Airport Park Phase 2, where residents had not paid rent since 2020 and owed R85 million in rent, with a further R46 million owed to the municipality for services[4]. The court confirmed that occupation was unlawful under the PIE Act, and EHC stated that the entity is at the brink of collapse.

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[1] Mabona, W. 2024. *Tshwane non-profit social housing company in business rescue.* Yeast City Housing is fighting for survival with debt of over R130-million. Available at: http://groundup.org.za/article/tshwane-non-profit-social-housing-company-in-business-rescue/. Accessed: 11th Jun 2026.

[2] Dube, V.P. 2025. 'It was our last resort': How a R260m housing debt led to Germiston evictions, torching of home affairs building. Available: https://www.news24.com/citypress/news/it-was-our-last-resort-how-a-r260m-housing-debt-led-to-germiston-evictions-torching-of-home-affairs-building-20250813-0686. Accessed: 10th Jun 2026.

[3] Banda, M. 2025. Ekurhuleni municipal properties hijacked. Available at: https://www.sowetan.co.za/news/2025-05-02-ekurhuleni-municipal-properties-hijacked/. Accessed: 10th Jun 2026.

[4] Banda, M. 2026. Airport Park tenants in Germiston face eviction over R85m debt Unpaid rent, municipal services date back to 2020. Available at: https://www.timeslive.co.za/news/south-africa/2026-01-20-watch-airport-park-tenants-in-germiston-face-eviction-over-r85m-debt/. Accessed: 11th Jun 2026.

Capital City Housing: Aloe Ridge project in Pietermaritzburg

The following example is slightly different from the two above. Whereas Yeast City Housing and EHC involved organised rent boycotts by tenants who had entered lawfully, the Aloe Ridge case involved an armed physical invasion by non-tenants. The outcome was equally devastating.

In 2018, the Mkhonto weSizwe (MK) military veterans invaded the Aloe Ridge social housing complex in Pietermaritzburg. This is a R353 million project developed by Capital City Housing (CCH), which is a non-profit Social Housing Institution. CCH obtained an eviction order but chose not to execute it due to the danger posed by armed invaders. The company lost approximately R1 million per month in rental income and was placed under business rescue[5][6].

Instead of evicting the unlawful occupiers, the KZN Department of Human Settlements entered into an agreement to pay CCH rent on their behalf. The department committed to pay until December 2022, by which time it planned to build alternative housing for the occupants. However, the housing projects were delayed, due to factors including the fact that neighbouring communities objected and environmental impact assessments were not completed. The department has since found itself paying rent indefinitely[7][8].

The outcome of this situation has been severe as Capital City Housing still collapsed and is now in liquidation. Msunduzi Municipality is owed R64 million in unpaid services. The Aloe Ridge complex was placed on auction in April 2026, but no bidders came forward because any buyer would inherit hostile, non-paying occupants[9][10]. In essence, a R353 million publicly subsidised housing asset has been effectively destroyed.

The scale of the problem

The above examples are not isolated incidents. According to the Social Housing Regulatory Authority's Rental Boycott Strategy (2023), the regulated social housing portfolio consisted of 198 projects comprising 44 114 units managed by 39 delivery agents across all nine provinces, by December 2022. The strategy notes that 40% of all social housing delivery agents with stock under management have suffered directly from rental boycotts or illegal occupations. The document identifies over 12 projects that have experienced such events.

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[5] TheWitness. 2020. MK invaders stay put. Available at: https://witness.co.za/news/2020/05/22/mk-invaders-stay-put-20200521/. Accessed: 12th Jun 2026.
[6] TheWitness. 2018. Cost of MK Vets R800k/month. Available at: https://witness.co.za/news/2018/09/03/cost-of-mk-vets-r800kmonth-20180902/. Accessed: 12th Jun 2026.
[7] TheWitness. 2022. Government's rental bill for MK war vets blows up. Available at: https://witness.co.za/news/2022/11/19/governments-rental-bill-for-mk-war-vets-blows-up/?amp=1. Accessed: 12th Jun 2026.
[8] Ndou, C. 2022. Government's rental bill for MK war vets blows up. Available at: https://www.citizen.co.za/network-news/lnn/article/governments-rental-bill-for-mk-war-vets-blows-up/. Accessed: 12th Jun 2026.
[9] Ndaliso, C. 2026a. Msunduzi moves to recover millions as Aloe Ridge heads for auction. Available at: https://witness.co.za/news/2026/03/27/msunduzi-moves-to-recover-millions-as-aloe-ridge-heads-for-auction/. Accessed: 12th Jun 2026.
[10] Ndlaiso, C. 2026b. Aloe Ridge crisis deepens as auction draws no bidders. Available at: https://witness.co.za/news/2026/04/09/aloe-ridge-crisis-deepens-as-auction-draws-no-bidders/. Accessed: 12th Jun 2026.

Summary of these examples

The experiences of Yeast City Housing, the Ekurhuleni Housing Company, and Capital City Housing illustrate that organised rental boycotts and unlawful invasions can have consequences that are comparable in scale and impact. In all three instances, the actions of unlawful occupiers undermined the financial sustainability of publicly funded housing stock, impaired the delivery of essential services, generated substantial legal and operational costs, and reduced the availability of affordable housing for qualifying beneficiaries.

Yet, unlike unlawful land invasions, there is currently no specific statutory mechanism within the PIE framework to address the organised incitement or facilitation of rental boycotts. NASHO therefore submits that the Bill should be amended to recognise organised rental boycotts as a distinct form of unlawful conduct and to provide municipalities and other public rental housing landlords with appropriate legal remedies to respond swiftly and effectively where such conduct threatens the viability of state funded housing assets. It is therefore proposed that a new section be added to the PIE Act (or section 3 be amended):

"Offence relating to organised refusal to pay rent
(1) Any person who incites, organises, or participates in a collective refusal to pay rent or other charges lawfully due under a lease agreement for a property owned or managed by a municipality or other public rental housing landlord, with the intention of coercing the landlord or obstructing the lawful administration of the property, is guilty of an offence.
(2) A municipality or other public rental housing landlord may apply to court for an order declaring a rental boycott unlawful and for eviction proceedings against participating tenants to be expedited, without prejudice to the landlord's right to claim arrear rentals.
(3) The court may, where it finds that a rental boycott was organised and is ongoing, grant an interdict against the organisers and order that participating tenants be evicted on an expedited basis, provided that the landlord has made reasonable efforts to engage with tenants to resolve arrears through payment plans.
(4) This section does not apply to a tenant who can demonstrate that their non-payment is due to genuine financial hardship unrelated to participation in an organised boycott."

Proposed extension of the definition of "person in charge"

The 2026 Media Statement by the Minister of Human Settlements proposes the expansion of the definition of "person in charge" to enable municipalities to apply for urgent interdicts against land invasions, even where the municipality is not the owner of the invaded land. We support this amendment.

The same rationale, however, applies equally to accredited Social Housing Landlords. In terms of the Social Housing Act, 2008, these landlords are responsible for the delivery and management of publicly funded social housing assets. When a social housing property is invaded, every day of delay further entrenches unlawful occupation and increases the cost and complexity of subsequent eviction proceedings.

We therefore propose that the definition of “person in charge” be further amended to include accredited Social Housing Landlords as defined in the Social Housing Act, 2008 (Act No. 16 of 2008), and its amendments. This would afford delivery agents the same standing as municipalities to apply for urgent interdicts against land and building invasions, to enable swift intervention to protect public housing assets and ensure their continued availability for their intended beneficiaries.

Alternative accommodation orders should not burden Social Housing Landlords

NASHO notes and supports the comments made by SOHCO Property Investments NPC in its submission on the Bill, regarding alternative accommodation and joinder (refer to the full submission in Annexure A).

SOHCO correctly observes that in ordinary landlord-tenant matters, routine or automatic joinder of municipalities or other organs of state may increase costs and delay, particularly where no proper factual basis has been laid to show that alternative accommodation is genuinely implicated. NASHO shares this concern.

We therefore echo SOHCO's recommendation that the Bill should clarify that joinder for purposes of alternative accommodation should not be automatic in every case, but should be required only where:

- the occupier places sufficient facts before the court demonstrating genuine vulnerability and an inability to self-relocate; and
- the issue of alternative accommodation is reasonably likely to arise on the facts of the particular matter.

This would promote proportionality and avoid turning all lease-based evictions into multi-party proceedings regardless of merit. NASHO accordingly supports and adopts these recommendations as part of our formal submission on the Bill.

Conclusion

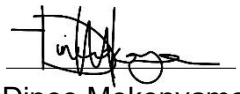
NASHO reiterates its support for the Bill’s core objectives of preventing unlawful land occupations and strengthening eviction procedures. However, the Bill fails to address

organised rental boycotts, which are a growing threat to the financial sustainability of South Africa's social housing stock. It also does not adequately recognise the unique statutory role of accredited Social Housing Landlords in protecting publicly funded housing assets.

NASHO is open to engage further with the Department of Human Settlements on the matters raised in this submission.

Thank you.

Yours sincerely,



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