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# The shift from freehold titling to using permits in regularising tenure in informal settlements in South Africa, with reference to City of Johannesburg

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## ABSTRACT

This study explores how City of Johannesburg came to adopt its Regularization of Informal Settlements Programme with permission to occupy as a preferred tenure option. Firstly, the study examines tenure issues and debates around tenure including different forms of tenure. Secondly, it explores the policy shift in City of Johannesburg towards regularisation and what this entails. It further reviews international forms of tenure with reference to Brazil and Namibia. The study argues that there is a need for improved intervention strategies that allow informal settlements to be recognised as part of the city in a manner that would consider their livelihoods. It also argues that freehold titling is not necessarily the best form of tenure for informal settlement residents.

The study concludes that there is an acute need to recognise informal settlements as part of the City. Furthermore, City of Johannesburg had insufficient funding which limited them in their Regularization of Informal Settlements Programme. *The Development Facilitation Act 67 of 1995*, *The Less Formal Township Establishment Act 113 of 1991* and the amendment of City of Johannesburg Town Planning Scheme influenced the City in their approach to issuing permits. City of Johannesburg can draw lessons from City of Windhoek's approach to informal settlements.