

# Everything we need to know about the Bromwell Street case



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## WHO IS INVOLVED?

The Bromwell Street Case currently involves 27 people, 11 of which are children who are being evicted from their homes in Bromwell Street, Woodstock by the Woodstock Hub who have purchased the residents' homes. The Bromwell Street Case was launched on 20 September 2016 in the Cape Town High Court by the Ndifuna Ukwazi Law Centre, who are representing the residents.

## WHAT DO RESIDENTS WANT FROM THE COURT?

In the beginning, the Bromwell Street residents asked the Court to make a ruling on the following:

- Declare that the City of Cape Town has a constitutional obligation to provide them with temporary emergency accommodation in a location as near as possible as possible to their homes;
- Order the City of Cape Town to act in accordance with the above mentioned constitutional obligation;
- Hold the City of Cape Town accountable by ordering the City of Cape Town to meaningfully engage with the Residents about where and how they will be accommodated and by ordering the City of Cape Town to provide the Court with a report regarding how it is fulfilling the constitutional obligation that it owes the Residents.

The Residents are not challenging their eviction in Court but are challenging the City's Housing plans, particularly relating to the provision of temporary emergency accommodation, what that looks like and where it is.

On Monday, 13 August 2018, the Bromwell Street Residents were back in Court to ask Judge Sher for permission to change the relief they are seeking and Judge Sher ruled in favour of the residents.



The Bromwell Street Residents asked the Court to include the following in the relief the Residents are seeking:

- Declare that the City of Cape Town has a constitutional obligation to provide them with temporary emergency accommodation or **transitional housing** in a location as near as possible to their home and **in the Woodstock/Salt River and inner city precinct as defined in the City's recent prospectus.**
- Declare that the City of Cape Town's housing programme and its implementation of it in terms of its Five Year Plan is inconsistent with the City of Cape Town's constitutional and statutory obligations to the extent that **it fails to provide the residents and people living in Woodstock and Salt River who are at risk of homelessness and in a crisis situation due to eviction from their homes with access to transitional housing or temporary emergency accommodation in the immediate City centre and surrounds.**

## SO WHAT DOES ALL OF THIS MEAN?

In public, the City committed to roll out transitional housing for evictees but in the Courts, they still argue that the City has no obligation to provide evictees with temporary emergency accommodation in the City Centre and surrounds.

This is unfair. They are happy to make promises as politicians but they don't want the Court to rule on this.

So the Bromwell Street families are challenging the City's housing plan itself which if successful could have a big impact for all families facing eviction and displacement in well-located areas. They want the Court to rule that the City's housing plans are unconstitutional because they only offer relocation camps in the outskirts of the City when there are other options.



## WHAT DOES THIS MEAN FOR ME?

By the Bromwell Street residents challenging the constitutionality of the City's housing plan and if they are successful, it would mean that anyone who would be rendered homeless by an eviction can ask the City to provide them with temporary emergency accommodation or transitional housing in a location as near as possible to their current home and not in relocation camps on the outskirts of the City. Such a judgement, will mean that the City must fulfil its constitutional obligations and engage the families who are facing eviction and displacement meaningfully on how and where it plans to rehouse those families.

## SO FAR THE BROMWELL RESIDENTS HAVE

- Held a judge accountable for his conduct.
- Successfully used organising and the law to stand up to private developer power and resist their displacement to relocation camps.
- 16 of the residents were able to find alternative accommodation on their own and in social housing
- Had 2 more Christmases and Ramadaans in their current homes and seen in 2 New Years.

## WHAT HAPPENS NEXT?

Now the parties (The Residents, The Woodstock Hub and the City of Cape Town) will have to file more affidavits to answer this question and then a hearing date will be agreed. It will take time, but in the interim, the Bromwell Street families will stay in their homes. It is important for us to closely follow this case because of the impact it can have for other families facing eviction and displacement.