



## DIRECTORATE LAND AND ASSET MANAGEMENT

---

**TO :** Minister T Simmers

Phila Mayisela

Francois De Wet

Kahmiela August

**SUBJECT:** Title Deed Action Plan

### 1. INTRODUCTION

The Title Deed Restoration Project (TRP) was introduced in 2015 by the National Department of Human Settlements and to date the annual performance has gradually decreased resulting in no significant improvement in the eradication of the backlog. This could be ascribed to numerous factors, with the main challenge facing the Directorate being the lack of capacity to effectively manage the eradication of the backlog. At the start of the project, the TRP unit was headed by a Deputy Director, who was supported by 3 Assistant Directors and 2 Administration Officers. Another Deputy Director was appointed to deal with the contested title deeds. All contract posts were abolished with the onset on the COVID-19 pandemic, leaving only an Assistant Director and an Administration Officer.

In addition to the capacity issue, the institutionalisation of the TRP straddled across three Chief Directorates making the co-ordination of activities that would lead to the eradication of the backlog, very cumbersome. This fragmented approach resulted in annual performance targets not being met.

The volume and complexity of the work associated with the eradication of the Title Deed Backlog, which currently stands at approximately 63 000 outstanding title deeds, is beyond the capacity available in the Directorate Land and Asset

Management. It is therefore necessary that additional resources be acquired to close the chapter on these long outstanding matters.

The principles of this Title Deeds Operation Plan are:

- ❑ Data Cleansing and Data Gathering;
- ❑ Human Resource Capacity;
- ❑ Technical and Professional Capacity;
- ❑ Establishment of Systems and Procedures; and,
- ❑ Hands-on Municipal Support.

## **2. PROPOSED ACTIONS**

The following proposed actions are put forward as a solution to expedite the eradication of title deed backlog.

### **2.1 Institutionalization**

A resolution was taken 08 December 2021 that the title deed function should be placed in a single, central unit. It was agreed that this would be within the Directorate Land and Asset Management (LAM). It is acknowledged that the Title Deed function cuts across all Directorates, but will be co-ordinated by LAM. To strengthen the roles and responsibilities, it is important that the Performance Agreements of each internal stakeholder be updated to reflect the accountability. The component is headed by a Deputy Director post and it is anticipated that this position will be filled by 30 June 2022.

### **2.2 Capacity**

The ability to effectively deal with the eradication of the title deed backlog rests primarily on having the appropriate human and technical resources to co-ordinate the different actions and roles players involved in the titling process. The Land and Asset Management team presently involved in the TRP is insufficient to address the enormous backlog and a decision was taken at the Title Deed Roundtable held on 08

December 2021 to buy in the requisite skills and competencies to radically address the backlog.

Unfortunately there is a restriction on appointing additional staff and the most suitable alternative available to the Department to address the capacity issue is to approach the Housing Development Agency (HDA), a National Department of Human Settlements entity, to provide capacity both in the form of a human resource and technical perspective. The benefit of this route is the ease of recruitment, appointment of consultants, as well in-house expertise that is already within the HDA.

### **2.2.1 Programme Manager and support staff**

It is envisaged that a Programme Manager be appointed. This is an appropriate level as it would be expected of the incumbent to engage at a senior executive level. To support the Programme Manager, it is proposed that provision be made for 2 administrative officials that have advanced excel/database skills to crunch the data, in order to ensure accurate and reliable information is always available.

**Timeline: 31 May 2022**

### **2.2.2 Professional Resource Teams**

The current model of the TRP contemplates the appointment of consultants at Municipal level. Many Municipalities battle with their own Supply Chain regime and this places a strain on the TRP to effectively eradicate the backlog. The HDA is a National entity that can shorten the appointment of consultants. Conveyancers and Town Planners that are so crucial to the titling process could be better managed at a central point and seconded to Municipalities as and when they require the technical expertise.

**Timeline: 31 July 2022**

This appointment will enable that resources are assigned to Municipalities as needed, which report to the PRT. Support is intended to focus around:

- Land Vesting;
- Land Acquisition;
- Rates Clearance;
- General Plan;
- Township Establishment;
- Township Register;
- Beneficiary Verification;
- Beneficiary Challenges; and,
- Title Deed Finalization.

### **2.3 Data Management**

It is important for the title deed process that correct information be timeously available. The National Housing Subsidy System (HSS) is the source from which the backlog is extracted. According to the HSS, the current total backlog for the Western Cape is at 63 000. However, a quick and dirty assessment reveals that this backlog is exaggerated due to the incompleteness of the HSS. One of the first tasks is to crunch the data from the HSS and where the HSS comes short, the required evidence be documented and submitted to the National Department of Human Settlements to update the HSS. If this process is completed, then the HSS would reflect accurate information and thus reflect improved reliability and integrity. To verify the accuracy of data, it is necessary that a Deeds download be done at least every quarter. The current contract with LexisNexis expires on 31 March 2022 and a download will be requested towards the end of March 2022. The HDA confirmed that they have an existing contract with LexisNexis and this will be expanded to include the TRP information. Both sources of data, LexisNexis data dump and HSS dump, will require in-depth data analysis to construct a reliable database. The database will facilitate the completion of annual business plans for submission and approval to the National Department of Human Settlements. Below is a schematic outlay of how this will be achieved:

<b>Actions</b>	<b>Rationale</b>	<b>Timeframe</b>
2.3.1 Housing Subsidy System (HSS) Reconciliation with Business Plan	To determine the population of backlog cases as per HSS.	30 June 2022
2.3.2 LexisNexis	To determine the number of transfers effected in the Deeds Office to verify Municipal reporting.	Quarterly
2.3.3 Database	Create a database to capture Business Plan targets	30 June 2022
2.3.4 Data Analysis	Analyse HSS population per project and per unit of title deed. This exercise should give a clearer indication of the true backlog.	30 September 2022

**Timeline: 30 September 2022**

## 2.4 Title Deed Vault Stock Take

The database record of the Title Deed Vault in the Department reflects an outstanding balance of 5 210 title deeds. It is highly unlikely that the title deeds of transferred properties will still be in the vault, however it is necessary that a stocktake be done to verify the database.

**Timeline: 31 July 2022**

## 2.5 Title Deed Handover Protocol

A standard operating procedure must be developed to guide the ceremonial process of handing over title deeds to beneficiaries. The Title Deed Co-ordinating Unit will also develop an annual plan for title deed handovers.

**Timeline: 30 September 2022**

## 2.6 Monitoring and Evaluation

The Programme Manager shall submit monthly reports on the work as contemplated within this action plan.

**Timeline: Monthly reporting**

## 2.7 Financial Implications

The title deed budget for the financial year 2022/ 2023 is R20m. The Appointment of a Programme Manager and 2 Administrative Officials are estimated at R2m per annum for the next four years.

## 2.8 Policy Framework

It is envisaged that the Programme Manager must review the current policy framework to ensure that actions are executed within policy and legislative frameworks. This is dealt with under contested title deeds.

## 2.9 Contested Title Deeds

The Programme Manager shall within the first year of appointment finalise a SOP with supporting policy that facilitates a resolution to disputed title deed cases. The current Regularisation policy must be reviewed to make it much easier for occupants to the title deed for the property they are occupying. It is counter-productive to have a stringent policy in place yet there is a strong desire to pass transfer to the current occupants.

**Short-term timeline: 31 March 2023:** Development of SOP

**Medium-term timeline: 30 September 2023:** Development of Policy

**Long-term timeline: 31 March 2024:** Implementation of contested title deed framework at Municipalities.

### 3. Proposed Title Deed Business Plan over the next four (4) years

With the effective implementation of the above-mentioned action plans, the table below gives an indication on the projected eradication of the backlog over the next 3 financial years. It should be noted that these figures will be adjusted as the data analysis roots out the discrepancies and reveals more reliable data.

Financial Year	Category	Pre-1994	1994 - 2014	Post 2014	Totals
	<b>Projected backlog<sup>1</sup></b>	8 000	38 000	17 000 <sup>2</sup>	63 000
<b>2022/2023</b>		500 <sup>3</sup>	6 000	7 500	8 000
<b>2023/2024</b>		1 500	8 000	2 500	13 000
<b>2024/2025</b>		3 000	12 000	3 500	20 000
<b>2025/2026</b>		3 000	12 000	3 500	22 000

1) Backlog subject to audit 2) the backlog for Post 2014 excludes current projects as per HSDG business plan.

3) the low projected figures for pre-1994 is because the information precedes the HSS and is very difficult to track.

### 4. RECOMMENDATION: That-

The proposed actions as outlined in paragraph 2 be approved to enable the eradication of the title deed backlog in the Western Cape.

**R STEWART**

**DIRECTOR: LAND AND ASSET MANAGEMENT**

**Date: 13 March 2022**

Recommendation supported/ not supported/ supported as amended

**K AUGUST**

**CHIEF DIRECTOR: HUMAN SETTLEMENTS PLANNING**

**Date: 13 March 2022**

**RECOMMENDATION: That-**

The proposed actions as outlined in paragraph 2 be approved to enable the eradication of the title deed backlog in the Western Cape.

Recommendation supported/ not supported/ supported as amended

**F DE WET**

**CHIEF DIRECTOR: MANAGEMENT SUPPORT AND CFO**

**Date:**

Recommendation approved/ not approved/ approved as amended

**P MAYISELA**

**ACTING HEAD OF DEPARTMENT**

**Date:**

Approved action plan noted/ noted with comments

**T SIMMERS**

**MINISTER OF HUMAN SETTLEMENTS**

**Date:**