

TITLE DEEDS SURVEY: CASE OF CHEGUTU MUNICIPALITY, ZIMBABWE

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ABSTRACT

The purpose of the survey was to establish whether home owners had title deeds to residential properties that they own. The research was motivated by the observation that in most urban local authorities in Zimbabwe, homeowners are facing challenges in obtaining tenure documents such as title deeds. A survey of four hundred high density houses, two hundred middle density and two hundred low density houses was carried out. Systematic sampling was used to select the target population. A purposive sample was used where two council officials responsible for processing of tenure documents, one town planner, one private developer and an executive of Chegutu Consortium housing cooperative were interviewed. Document analysis was done to compare housing records with findings of the survey. The survey found that 98% of homeowners in old suburbs in Chegutu do not have title deeds to their properties. 76 % of residents in the low density and 100% in the medium density do not have title deeds to their properties. The study recommends that the government compels the surveyor general to carry out an exercise to ensure that all old suburbs are title surveyed. Local Authorities should seriously consider initiating title deeds processing on all paid up properties. Further research can be done on all properties in Chegutu Municipality to verify findings from this survey.

Key Words: Title Deeds, Homeownership, Tenure Documents.

1. INTRODUCTION

1.1 Contextual Analysis

Title deeds are legal ownership documents that signify the registration of property rights at the Deeds office. Property registration is enshrined in the Constitution under section 72 of the Zimbabwe constitution. Title deeds show ownership in respect of any type of building or land. Title deeds are also known as Deeds of transfer or Certificates of registered Titles.

Home owners in urban areas are facing challenges in obtaining title deeds. This survey utilized the systems theory in the analysis of challenges being faced by home owners in acquiring title deeds. The systems theory provides a framework for understanding challenges faced by home owners in the acquisition of title deeds as well as residents perceptions on the importance of title deeds. Housing delivery is a complex issue due to the fact that local authorities exist in a political environment hence the political, social, economic and legal environment impact on housing delivery.

As espoused by Mele, Pels and Polese (2010: 126-135), the systems theory is premised on the relationships amongst component elements. In a local authority, the housing department as a system depends on the engineering department for the surveying and servicing of stands. The Housing department is responsible for ensuring that the revenue realized from the sale of stands is used to finance the servicing of the stands hence the need for coordination of the housing and the

finance departments. The housing department also depends on the Central administration for administrative services.

The housing system in a local authority is composed of processes, actors, instruments, resources, interests, needs and rights of stakeholders. Systems include housing policies, standard operating procedures, relationships, resources and power. Managers as part of the housing system in a local authority have different goals, aspirations and preferences when it comes to housing service delivery. Changes in the environment compel organizations to adjust to the changing environment to ensure continued growth and sustenance. Yurtseven and Buchanan (2016) reported that decision making processes are influenced by the organizational culture and structure as well as personal inclinations of managers. Accordingly, the systems theory is appropriate in this study as it emphasizes relationships amongst component elements and dynamic tension between structures. The housing department therefore should be viewed as part of a system as it does not work in isolation.

Statement of the problem

Home owners in urban areas are facing challenges in obtaining title deeds. Residents in Chegutu High density suburbs of Pfupajena and Chegutu which are old suburbs are failing to acquire title deeds for their properties because these properties have not been title surveyed. For residents to obtain title deeds, the land has to be title surveyed. Chegutu Municipality housing manual requires property owners to pay six months rates in advance to initiate the title deeds process. Residents attempted to carry out title survey for land in old suburbs but their efforts did not yield much success due to financial constraints being experienced by residents. The purpose of the current study then is to establish strategies to ease the plight of residents in the acquisition of title deeds.

Research Objectives

1. To establish the documents home owners have in respect of ownership (Title deeds, lease agreements, cessions and sale agreements).
2. To establish the extent to which homeowners are aware of the importance of the tenure documents such as Title Deeds
3. To establish the challenges homeowners face in acquiring tenure documents
4. To suggest ways local authorities can alleviate the challenges faced by homeowners in acquiring tenure documents.

Research Questions

- a) What documents do homeowners have in respect of housing ownership?
- b) Why do homeowners have the documents that they have?
- c) What are title deeds?
- d) Are they important?
- e) Do homeowners feel secure with documents they have?
- f) What are the challenges faced by homeowners in the acquisition of ownership documents
- g) What strategies can be employed by local authorities to ease the plight of homeowners in acquiring title deeds?

2. RESEARCH METHODOLOGY

Neville, C (2007) asserts that research methodology is concerned with answering the questions What data was collected? Why certain data was collected, where the data was collected, how it was collected and analyzed. The stages outlined below were followed in conducting the survey.

Stage 1: Data collection

15 field officers were trained and deployed in Chegutu Municipality to administer a questionnaire to property owners. The survey was conducted in the following suburbs: Pfupajena, Chegutu, Riffle Range, Hartley Hills, Hintonville, Tower Tank medium density and Kaguvi phase 4 medium density. 3 Council officials, land developer and an executive of Chegutu housing consortium were interviewed. The questionnaire was administered to home owners in their homes. This was a natural setting and it allowed those that were collecting data to establish the contribution of environmental factors to the problem of not being able to acquire title deeds. It also allowed the interaction of viewpoints of homeowners with diverse backgrounds which in turn yielded a holistic picture of the title deeds situation in Chegutu. Data collection within natural setting improved the survey's ecological validity. Descriptive survey was used to establish homeowners' views and attitudes towards the acquisition of title deeds and the importance of title deeds. Home owners' perception and knowledge on what title deeds are and their importance formed an important basis for individual action. Some home owners had already started the process of acquiring title deeds while others were only talking of perceived challenges without any action towards acquiring title deeds.

Stage 2: Data capturing

An android application was used to collect the data. The questionnaire was digitized and uploaded to gadgets which were then used to collect data, the soft copies were uploaded to the system after data collection. Each field officer was responsible for uploading the collected data. After data collection, field officers' submitted their data online to a cloud storage. The data was then exported to excel for cleaning. Due to power cuts some field officers failed to use their phones and hard copies were used to collect data.

Stage 3: Data cleaning, analysis and presentation

The collected data was cleaned i.e. removing unwanted information and adding missing information, editing the data to match the required format. The process of data analysis involved comparing information from the survey with housing records. Data analysis involved making sense of the collected information. It required sifting and arranging all information obtained from interview scripts, field note books and questionnaires. Analysis enabled the presentation of collected data into tables, graphs and pie chart. The purpose of data analysis was to make sense of the massive amounts of data that was collected to enable the presentation of findings. Data presentation reduced volumes of information, identified themes and facilitated a framework for communicating the meaning of what the data entails.

3. RESEARCH FINDINGS

From 1935 Local authorities and companies were encouraged to offer self-help on-site and service schemes. These schemes provided by companies were for employer built accommodation. Apart from the employer built accommodation, companies upgraded informal settlements for blacks. From the 1960s, Zimbabwe was following a housing policy called "restrictions to black homeownership except long leases from 1960s". This housing policy restricted blacks from

owning properties. Under this policy blacks were only allowed to rent. Local authorities only delivered accommodation for single or unmarried people in the form of single quarters and hostel apartments. Hostels and single quarters were strictly to accommodate employees while their families were living in the rural areas. There was another category of accommodation for couples. These houses were semi-detached. Some local authorities offered flats. Accommodation for couples was very expensive for black people thus they opted not to stay with their families in towns.

The housing policies then, limited indigenous people from moving from low to higher-income areas. Employed black people were accommodated in hostels for single people while couples were encouraged to rent houses. There were limited home ownership schemes before 1970 and black people were only allowed long leases.

The post-independence era (from 1980) witnessed the conversion of rental houses into home ownership schemes. In the old suburbs of Chegutu (Chegutu and Pfupajena) 90 % of residents in these suburbs have long lease agreement documents called home ownership. The lease period vary from 25 years to 35 years. Residents in these old suburbs are only aware of the home ownership agreement document. Majority of residents in these suburbs are not familiar with title deeds as a form of home ownership document.

20 % of properties within Chegutu and Pfupajena are not yet converted to home ownership. During the survey, residents in this category were more interested in knowing when council would convert their properties to home ownership. Amongst high density home owners, having a home ownership agreement document was considered superior than acquiring title deeds.

The housing policies during the colonial era disadvantaged black people as they were not allowed to own properties. With the coming in of a new Government residents in Chegutu old suburbs became content with the conversion of rented properties to homeownership. Majority of residents have not been educated on the importance of acquiring title deeds and lack basic knowledge of what title deeds are. Chegutu medium density properties are fairly new. 90% of residents in this area have agreement of sale with Council and none of them have acquired title deeds.

Data presentation, analysis and discussion

Sampling	Quantitative	Qualitative
	Non probability sampling	Purposive sampling
Sample size	800 properties	5
Data collection	Questionnaire	Interviews
Data analysis	SPSS	Themes

A reflection on the research questions raised the following presentation themes: Housing ownership documents, challenges faced by home owners in the acquisition of ownership

documents and management strategies by local authorities to ease the plight of homeowners in acquiring title deeds.

Demographic data of the respondents

Gender distribution is an important variable in explaining decision making patterns at household level. Of the 800 houses visited, 39% of the respondents were male and 61% were female. The distribution can be a reflection of the population distribution by gender in Zimbabwe. There are more females than males. The research findings are therefore dominated by female perceptions since they are the majority. The variables (perceptions and ownership documents) are normally distributed, therefore findings can be generalized to similar urban local authorities.

Participants' age distribution

As shown in the table below, 90% of the respondents are between 18 – 60 age groups. These are adults hence their views are valid in informing policy decisions at council and national level. Their perceptions can be relied on since most of them are home owners. Management strategies to ease acquisition of title deeds should target the 18 – 60 age group since they are mostly affected. Chenje (2000) concur that young men and women between the ages of 18-60 are the most active, however they are mostly involved in the informal business sector as the unemployment levels in Zimbabwe are above 80%.

Table 1.1 Profile of Survey respondents

Categories		Number	%
Age Groups	18 – 40 years	495	62 %
	41 - 60 years	231	29%
	61 and above	72	9%
	Total	800	100%
Gender	Male	311	39%
	Female	489	61 %
	Total	800	100%
Documents Owned	Agreement Document	306	38%
	Lease Document	362	45%
	Cession	78	10%
	Title Deeds	54	7%
	Offer letter	0	0
	No document	0	0
	Total	800	100%
Date land was acquired	1970 and below	16	2%
	1971 – 1980	192	24%
	1981 – 1990	96	12 %
	1991 – 2000	120	15 %
	2001- 2010	104	13%
	2011 and above	272	34 %
	Total	800	100%

Figure 2.1 Ownership documents in Chegutu

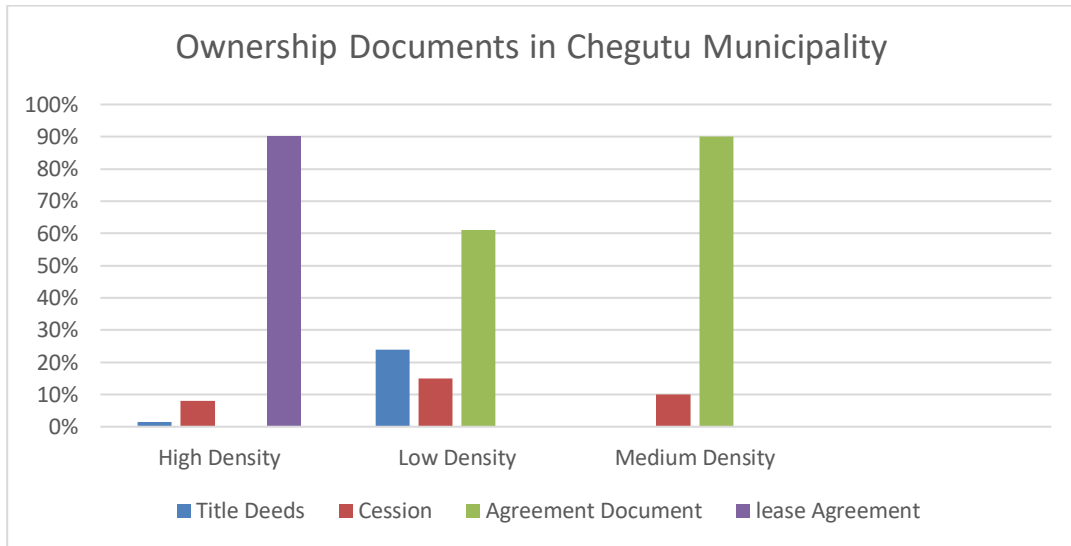
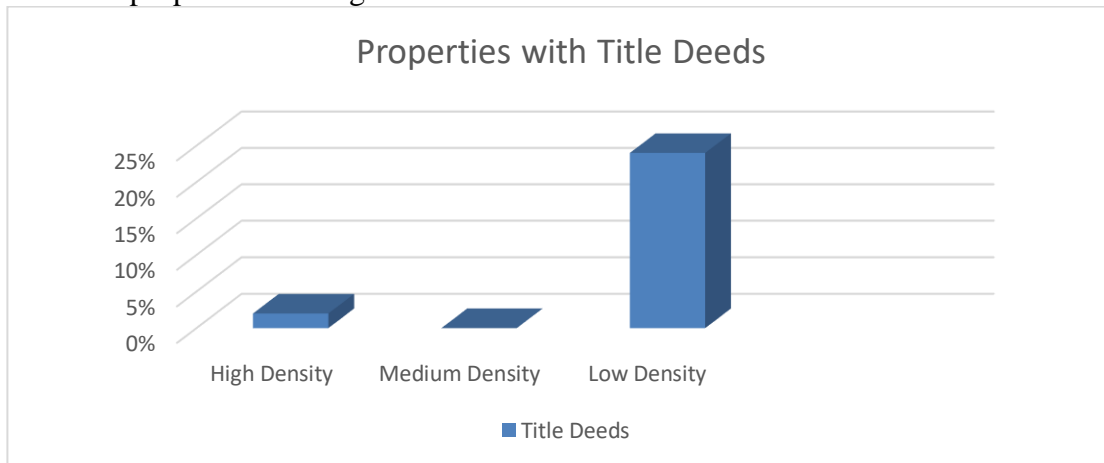


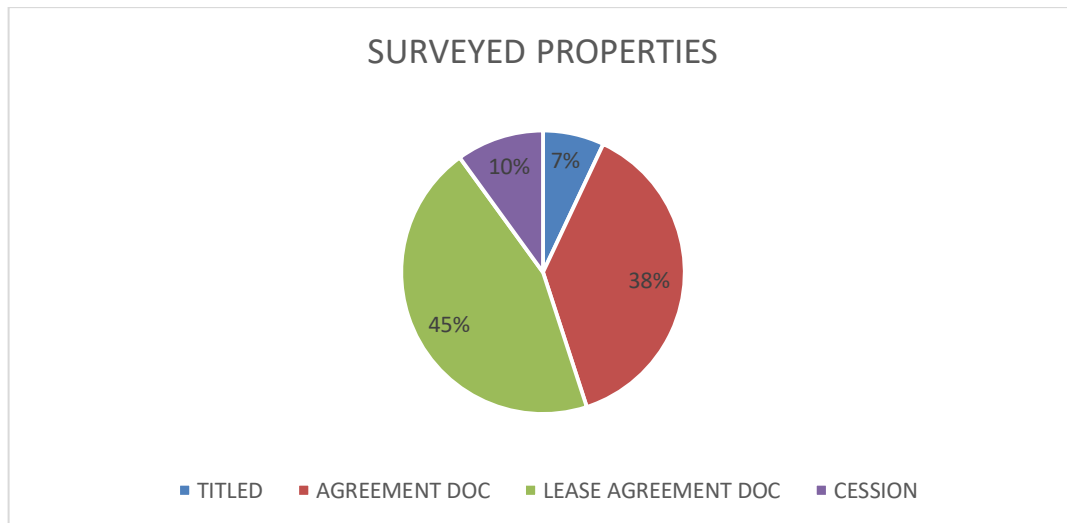
Figure 2.1 above is showing that only 2 % of the survey respondents in the high density have got title deeds. 90 % have got lease agreement documents or homeownership documents. These lease agreement documents with option to purchase were issued from 1980 to 2008. Most of the properties in the high density were given lease agreements with option to purchase following conversion of the said properties from rented accommodation to home ownership. Out of a sample of 400 houses in the high density old suburbs, only 6 properties have got title deeds. 8% of the 400 high density properties have got cessions. These have been ceded from the original owner to a third or fourth part before the acquisition of title deeds hence the use of a council cession. Of the 200 low density properties visited, 24% have got title deeds. 61% have got Agreement of sale documents and 15% have cessions. A sample of 200 medium density revealed that 90% of medium density stands have got agreement documents, 10% have got cessions and there are no title deeds in the medium density area.

Fig 2.2 Titled properties in Chegutu



Of the 800 surveyed properties in Chegutu Municipality, only 54 have title deeds. 48 properties in the low density area have got title deeds whilst 6 properties in the high density have got title deeds. Of the 200 surveyed properties in the medium density, none of them is titled. Majority of home owners in Chegutu do not have title deeds to their properties. This can be attributed to lack of knowledge on the importance of title deeds. Residents who are aware of the importance of acquiring title deeds do not have the money to do so.

Fig 2.3 Surveyed properties



As shown in figure 2.3 above, 7% of the 800 surveyed properties have title deeds. 38% of all surveyed properties have sale agreement documents while 45% have lease agreements and 10% have cessions. Majority of residents do not have title deeds to their properties due to financial constraints. Home owners concurred that money required for conveyancing was beyond the reach of many. In the old suburbs of Chegutu and Pfupajena, the land is not title surveyed and home owners were requesting council to carry out the title survey so that individual home owners can apply for title deeds for their properties.

Home owners’ perception about title deeds and their importance

Low Density

The study found that 24% of the survey respondents in the low density are aware of what title deeds are and their importance as home ownership documents. Home owners upon being asked what title deeds are responded that a title deed is a legal document that proves legal ownership over a piece of land or immovable property. Home owners in the low density area clearly showed that they have basic knowledge of the legal processes that one is required to take to acquire ownership documents.

On the importance of title deeds, home owners mentioned that title deeds can enable one to get bank loans and act as a proof that the person who is applying for the loan is the real owner of the immovable property. Home owners indicated that those with title deeds were at an advantage since they can access loans and this helps people to ease financial burdens.

Low density home owners do know the importance of title deeds as some of them are almost halfway in the process of acquiring these documents. Looking at the social perspective, respondents stated that title deeds are important in solving some family disputes that may arise over who is the real legal owner of the property hence one should be in possession of these particular documents.

Medium Density

Research findings revealed that medium density home owners have different views in how they perceive the meaning and importance of title deeds. The survey showed that at least 45 % of Chegutu medium density home owners were aware of the meaning and importance of title deeds while the majority had a biased and inaccurate perception towards title deeds and their importance. Most of their responses were mainly influenced by the political, economic, social, technological and environmental factors that are currently affecting the country. Out of 200 medium density houses about 70 houses mentioned the issue of corruption in explaining their understanding of title deeds. The majority of people in the medium density area view the title deeds process as full of errors and not genuine.

Some of the repeated responses towards the importance of title deeds were indirect as most home owners were linking their responses to the current political situation. A certain home owner claimed that the reason why the survey was being conducted was mainly to manipulate people given the coming political elections. Due to high unemployment rate in Chegutu as well as in Zimbabwe at large, home owners' perception on title deeds in the medium density area was found to be vague. This was due to a number of responses that came from housewives and children who explained that fathers who were at that moment absent because of work knew more about title deeds than anyone in the family. Therefore this meant that due to gender inequality in the town of Chegutu women have a vague understanding of title deeds as compared to men and in some cases women do not have access to the title deeds of their properties.

High Density

The high density's perception towards title deeds was mainly linked to the economic challenges that are currently being faced by the home owners. Most home owners in the high density area were of the view that the title deeds process is an expensive process hence council should revisit and revise title transfer fees so that every home owner would be able to acquire title deeds. Technological advancement has also contributed to a biased and complicated view of title deeds to the high density home owners as many of them were not comfortable with the use of a digitized questionnaire which many respondents commented as confusing and complicated.

Appreciation of technological advancement by the high density respondents was very low as compared to the low density respondents. This led to a biased view of the meaning and importance of title deeds. Research findings show that the high density area is mainly covered by the old aged and widows who have a limited understanding of the importance of title deeds. The meaning and importance of title deeds in the high density was misunderstood as most home owners showed their lease agreement documents when asked for title deeds. Majority of home owners in the high density area have no knowledge of title deeds or their importance.

Private developers and cooperative representatives indicated that their respective organizations are in possession of offer letters, Agreement of sale documents and confirmation of ownership from the local authority and they also indicated that none of them do possess title deeds in respect of the

land they are developing. Land developers and the cooperatives further mentioned that all the tenure documents they are possessing do not give 100% entitlement to land hence the property rights are not secured.

Five respondents were interviewed pertaining to their perception on title deeds. 3 were local authority staff that is 2 from the housing administration section, 1 town planner and 1 each from private land developers and cooperatives. The local authority staff including the town planner viewed title deeds as the only legal proof of ownership for immovable property such as land. They also indicated that title deeds are very important tenure documents as they give security to property ownership and rights of beneficiaries. On the other hand private property developers and cooperatives concurred that title deeds are very important as they serve as a security measure in case of an ownership dispute.

Challenges faced by home owners in the acquisition of ownership documents

The title deeds survey revealed that home owners are facing challenges in acquiring ownership documents especially title deeds due to the current economic situation. There is a high rate of unemployment. Most of the home owners especially those who reside in the high density area are not employed so they do not have a source of income to enable them to mobilize the total amount of money that is required for processing title deeds.

Home owners are required by council to pay six months rates in advance to process title deeds and to pay title transfer fees. The economic crisis is therefore affecting the home owners in the acquisition of ownership documents. Some home owners could not acquire title deeds because council will only initiate title deeds processing when the principal building is at the roof level. Due to financial constraints home owners have not been able to fully develop their properties thus postponing the acquisition of title deeds.

Home owners also mentioned that council authorities lack coordination and this tend to delay the processes of acquiring ownership documents and this has become a challenge to them. Due to the delays at council the residents are now reluctant to apply for title deeds.

Home owners' blamed council for their lack of knowledge on the importance of title deeds because council has never conducted awareness campaigns on title deeds acquisition. Ignorance is one of the challenges being faced by home owners in the acquisition of ownership documents. The blame has been apportioned to council which according to the residents has a mandate to educate them on the importance of title deeds.

Home owners stated that they are facing challenges in acquiring home ownership documents because they would have bought the properties from an individual and when it's time to process these documents they will fail to locate the seller.

According to the local authority staff most of the home owners are failing to acquire title deeds due to lack of auditable paper trail on the part of the home owners, financial constraints to meet the minimum required development level as well as meeting the required amount of money for the payment of title transfer fees, conveyancing cost as well as other costs relating to the surveyor general's office.

Management strategies by local authorities to ease the plight of home owners in acquiring Title deeds

Home owners outlined that council should do a reduction on the six months rates in advance that are supposed to be paid in order to acquire title deeds. They also highlighted that title deeds transfer fees should be added to the purchase price of the land and the total amount be communicated at once.

High density residents also stated that council should make use of payment plans as a way of responding to the challenging economic situation affecting many people.

Home owners advised council to charge affordable rates as title transfer fees.

Home owners suggested that council should pay for conveyancing since most of the home owners cannot afford to pay lawyers.

Council officials' interviewed suggested tendering of land surveying services to get fair prices for the services.

Servicing of stands before disposal will ensure that title surveying of land is done before occupation of land hence removing this burden on home owners.

Cooperatives executive proffered that initial title deeds from council to the beneficiaries should be done by the Government instead of sending beneficiaries for conveyancing.

Private land developers indicated that title deeds should be obtained the same way offer letters, agreement of sale and confirmation of ownership documents are obtained. They also suggested that the fees should be paid in installments over a period of 10 years.

Cooperatives and private land developers concurred that all payments relating to the acquisition of title deeds process should form part of the monthly bills that are paid to council calculated over a long period to ease the acquisition process.

Council staff indicated that every province should have title deeds processing offices not just Harare and Bulawayo. The local authority staff also advocated for central government intervention in areas such as title surveys since its costly and only a few can afford it.

4. CONCLUSION

The historical development of housing policies in Zimbabwe contributed to home owners' perception on title deeds. Lifestyle and age contributed to the importance that home owners attached to the acquisition of title deeds. Major challenges faced by home owners in the acquisition of title deeds were economic in nature. Findings of the survey reveal that 93 % of home owners in Chegutu do not have title deeds. Majority of home owners do not know what title deeds are or their importance. Of the 800 surveyed properties in Chegutu Municipality, only 54 have title deeds. 48 properties in the low density area have got title deeds whilst 6 properties in the high density have got title deeds. Of the 200 surveyed properties in the medium density, none of them is titled. Majority of home owners in Chegutu do not have title deeds to their properties. This can be attributed to lack of knowledge on the importance of title deeds. Home owners who are aware of the importance of acquiring title deeds do not have the money to do so. Home owners concurred that money required for conveyancing was beyond the reach of many. In the old suburbs of Chegutu and Pfupajena, the land is not title surveyed and home owners were requesting council to

carry out the title survey so that individual home owners can apply for title deeds for their properties. The survey therefore recommended a stakeholder participatory model as a strategy to ease challenges being faced by home owners in the acquisition of title deeds.

5. RECOMMENDATIONS

On the basis of these findings, it is recommended that a participatory model be implemented by council to ease the challenges currently faced by home owners in acquiring title deeds. The model can be implemented as follows:

Stakeholder awareness on the importance of acquiring title deeds for their properties. An improvement of public awareness through meetings would help to disseminate information.

Council should ensure that all stands in the old suburbs are title surveyed and council should pay for the cost.

Council should reduce the cost of surveying by engaging the surveyor general's office to second surveyors from their office.

Council should find affordable lawyers through tendering so that home owners are not charged exorbitant fees for conveyancing.

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