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DEPARTMENT OF HUMAN SETTLEMENTS

POLICY GUIDELINES FOR IMPLEMENTING THE EMERGENCY HOUSING ASSISTANCE PROGRAM IN THE NORTHWEST PROVINCE 2024

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EDICT OF GOVERNMENT

To promote public education and public safety, equal justice for all, a better-informed citizenry, the rule of law, world trade, and world peace, this policy guideline is hereby made available on a non-commercial basis, as it is the right of all humans to know and speak the laws that govern them.

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ABBREVIATIONS

ABBREVIATION	FULL DESCRIPTION
ABT	Alternative Building Technologies
COGTA	Cooperative Governance and Traditional Affairs
DORA	Division of Revenue Act
ESTA	Extension of Security of Tenure Act 62 of 1997, as amended
HOD	Head of Department
HSS	Housing Subsidy System
IDA	Incremental Development Area
IDP	Integrated Development Plan
ISUPG	Informal Settlements Upgrading Program Grant
LGHS	Local Government and Human Settlement
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act, Act 56 of 2003, as amended
MIG	Municipal Infrastructure Grant
NGO	Non-Governmental Organization
NHBRC	National Home Builders Registration Council
OHSA	Occupational Health and Safety Act, Act 85 of 1993, as amended
PDMC	Provincial Disaster Management Centre
PFMA	Public Finance Management Act, Act 1 of 1999, as amended
PIE	Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998
PPPFA	Preferential Procurement Policy Framework Act, Act 5 of 2000
TRA	Temporary Relocation Area
TRU	Temporary Residential Unit
USDG	Urban Settlement Development Grant
VAT	Value Added Tax
VIP	Ventilated Improved Pit Latrine/Toilet

DEFINITIONS

Concept	Definition
Aged person	An aged person can be classified as a male or female person who has attained the minimum age set to qualify for the Government's old age social grant.
Beneficiary	Beneficiary refers to a qualifying person who received a housing benefit from the State.
Building	It refers to construction works that have the provision of shelter for its occupants or contents as one of its main purposes, usually partially or enclosed and designed to stand permanently in one place.
Code	The Code refers to the National Housing Code as contemplated in Section 1 of the Housing Act, Act 107 of 1997, as amended, and Part 2, Section 4, subsection (6) states that the Code shall be binding on the provincial and local spheres of government.
Cohabitation	Cohabitation refers to when an unmarried couple lives together in a long-term relationship that resembles a marriage. Seeing as a couple is not married, cohabitation is not regulated by law and does not receive the same protection as marriage as there is no common law marriage in South Africa and the duration that couples spend living together does not mean that marriage came into existence.
Competent to contract	A person who is legally competent to contract, i.e., over the age of eighteen (18) years or older or legally married or legally divorced and of sound mind.
Delegation	<p>In terms of the Housing Act, Act 107 of 1997, as amended, Part 3, Section 7, Sub-sections (1), (2), (3) and (5):</p> <p>(1) Every provincial government, through its MEC, must after consultation with the provincial organisations representing municipalities as contemplated in section 136(a) of the Constitution, do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy.</p> <p>(2) For the purposes of subsection (1) every provincial government must through its MEC:</p> <p>(a) determine provincial policy in respect of housing development;</p>

	<ul style="list-style-type: none"> (b) promote the adoption of provincial legislation to ensure effective housing delivery; (c) take all reasonable and necessary steps to support and strengthen the capacity of municipalities to effectively exercise their powers and perform their duties in respect of housing development; (d) co-ordinate housing development in the province; (e) take all reasonable and necessary steps to support municipalities in the exercise of their powers and the performance of their duties in respect of housing development; (f) when a municipality cannot or does not perform a duty imposed by this Act, intervene by taking any appropriate steps in accordance with section 139 of the Constitution to ensure the performance of such duty; and (g) prepare and maintain a multi-year plan in respect of the execution of the province of every national housing program and every provincial housing program, which is consistent with national housing policy and section 3(2)(b), in accordance with the guidelines that the Minister approves for the financing of such a plan with money from the Fund. <p>(3) An MEC must:</p> <ul style="list-style-type: none"> (a) administer every national housing program and every provincial housing program which is consistent with national housing policy in section 3(2)(b), and for this purpose may, in accordance with that program and the prescripts contained in the Code, approve: <ul style="list-style-type: none"> (I) any projects in respect thereof; and (II) the financing thereof out of money paid into the provincial housing development fund as contemplated in section 12(2); (b) determine provincial housing development priorities in accordance with national housing policy; (c) apply procurement policy in respect of housing development determined by the Minister in terms of section 3(2)(c); and (d) administer the assets contemplated in section 14. <p>(4) The MEC must establish a panel of not more than six persons to advise the MEC on any matter relating to housing development.</p>
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	<p>(5) The MEC may, subject to conditions he or she may deem appropriate in any instance:</p> <p>(a) delegate any power conferred on him or her by this Act; or</p> <p>(b) assign any duty imposed upon him or her by this Act, to an officer or employee of the department responsible for the administration of housing matters in a province, either in her or her personal capacity or by virtue of the rank he or she holds or the post he or she occupies: Provided that the delegation or assignment does not prevent the person, who made the delegation or assignment from exercising that power or performing that duty to himself or herself.</p>
Department	Department refers to the North West Department of Human Settlements.
Developer	Developer refers to the organ/institution planning and implementing human settlement developments as mandated by the Housing Act, Act 107 of 1997, as amended. In the case of the North West Province, the Department of Human Settlements remains the Developer, unless a Local Municipality has been assigned/accredited under the Housing Act, Act 107 of 1997, as amended, and the Municipal Accreditation Framework.
Disaster	A disaster is a serious disruption of the functioning of households or a community causing widespread human, material, economic or environmental losses which exceed the ability of the affected households or communities to cope using their resources.
Disaster management	<p>Disaster management refers to the continuous and integrated multi-sectoral and multi-disciplinary process of planning and implementation of measures aimed at:</p> <ul style="list-style-type: none"> • Preventing or reducing risks of disasters • Mitigating the severity or consequences of disasters • Emergency preparedness • Rapid and effective response to disasters • Post-disaster recovery and rehabilitation
Discounting grants	Discounting grants refers to a grant approved under this program that will be discounted against subsequent housing subsidies only to the extent to which it might have contributed materially to a future permanent housing solution for the beneficiary.
Emergency housing situation	Emergency housing situations can be proactive or reactive and emergency housing can respond to predictable and unpredictable emergencies. Therefore, in terms of the Emergency Housing Assistance Program

	<p>(Housing Code: 2009), the definition of emergency housing situation can include the following emergencies:</p> <ul style="list-style-type: none"> • <i>Homelessness through extraordinary situations (reactive)</i> which applies to an emergency through a declared disaster (as further defined by the Disaster Management Act), or to emergencies that are not declared but have caused homelessness in the following situations: <ul style="list-style-type: none"> • Floods • Strong winds • Severe rainstorms • Hail/snow • Devastating fires • Earthquakes • Sinkholes • Disastrous industrial accidents • Evictions/house demolitions • Social/political unrest • <i>Households and communities living in hazardous conditions (proactive)</i> which applies to dangerous conditions that pose a threat to life, safety and eventual homelessness and such dangerous and/or hazardous situations include: <ul style="list-style-type: none"> • Land or houses vulnerable to any of the emergency risks outlined above • Dolomitic land that is prone to sinkholes • Land under-mined at shallow depth • Threat of eviction from land or unsafe buildings • Threat of demolition • Threat of dislocation due to civil conflict or unrest • <i>Households and communities living in the way of service provision or proposed service provision</i> of which the following services will apply: <ul style="list-style-type: none"> • Water • Sewerage • Established reserves • Power lines • Roads/railways • <i>In situ</i> upgrades
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Emergency preparedness	Emergency preparedness refers to a state of readiness which enables organs of state and other institutions involved in disaster management, the private sector, communities and individuals to mobilise, organise, and provide relief measures to deal with an impending or current disaster or the effects of a disaster; and the knowledge and capacities developed by governments, professional response and recovery organisations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions.
Eviction	Eviction according to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE), Act 19 of 1998, refers to a process or act of removing or preventing a person or community from occupying the property or the land.
Grants to municipalities	Grants to municipalities refer to funding under this program which will be made available to municipalities as grants to enable them to respond rapidly to emergencies through the provision of land, municipal engineering services and shelter which further includes possible relocation and resettlement of people on a voluntary and co-operative basis in appropriate cases.
Hazard	A hazard is a potentially damaging physical event, phenomenon or human activity that may cause injury or loss of life, damage to property, social and economic disruption, or environmental degradation.
Home	<p>A home refers to a meaning assigned in the Housing Consumer Protection Measures Act, Act 95 of 1998, as amended:</p> <p>a) excluding:</p> <ul style="list-style-type: none"> a. any building which is constructed with less than two-thirds of the floor area designed for residential purposes; b. homes that are co-owned in terms of the Share Blocks Control Act, Act 59 of 1980 or Property Time-Sharing Control Act, Act 75 of 1983; c. any home forming part of an informal settlement; d. any temporary building as contemplated in the National Building Regulations issued in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, as amended; and e. a shack or caravan. <p>b) including:</p>

	<ul style="list-style-type: none"> a. a unit to be occupied for residential purposes as contemplated in the definition of “social housing” in Section 1 of the Social Housing Act, Act 16 of 2008; b. a residential section registered in terms of the Sectional Titles Act, Act 95 of 1986, and any common building; c. a unit as contemplated in the Housing Development Schemes for Retired Persons Act, Act 65 of 1988; d. a unit forming part of a housing program contemplated in the National Housing Code issued in terms of the Housing Act, Act 107 of 1997, as amended; e. the private drainage system from the home up to the municipal connection or up to and including a conservancy or septic tank; f. water services from the point of supply to the point of discharge at fixtures and appliances; g. any ancillary buildings such as storerooms, covered walkways, garages, and common facilities; h. any retaining wall necessary to ensure the structural integrity of the home; and i. any adjacent building or wall on common property that has the potential to damage the home should it for any reason collapse.
Housing development	Housing development or human settlement development is defined in terms of the Housing Act, Act 107 of 1997, as amended, as the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, education and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements, and potable water, adequate sanitary facilities and domestic energy supply.
Income	An incremental development area is an area where people are relocated permanently, and the site is developed incrementally.
Indigent	A needy person.
The initial phase of permanent housing solutions	The initial phase of permanent housing solutions envisaged refers to assistance under this program wherever possible as an initial stage towards a permanent housing solution.

In situ	It refers to the original place.
Interactivity	Interactivity with other programs and projects means that this program is to augment and supplement existing disaster management programs. In the case of an officially declared disaster, interaction will occur with the Provincial Disaster Management structure to augment and supplement mechanisms geared towards the alleviation of emergency housing situations of exception housing emergency.
Limitation of program application	The limitation of the program application prescribes that the program may not be employed to substitute normal planning and projects and therefore <u>under no circumstances</u> may this program be applied to justify funding for normal housing development projects.
National Home Builders Registration Council	The National Home Builders Registration Council (NHBRC) is established in terms of the Housing Consumers Protection Measures Act, Act 95 of 1998, as amended, and the objectives of the Council include to: <ul style="list-style-type: none"> a) represent the interests of housing consumers by providing warranty protection against defects in new homes; b) regulate the home building industry; c) provide protection to housing consumers in respect of the failure of home builders to comply with their obligations in terms of the Act; d) establish and promote ethical standards in the home building industry; e) improve structural quality in the interests of housing consumers and the home-building industry; f) promote housing consumer rights and provide housing consumer information; g) communicate with and assist home builders to register in terms of the Act; and h) assist home builders, through training and inspection, to achieve and maintain satisfactory technical standards of home building.
National Department	National Department refers to the National Department of Human Settlements.
National norms and standards	National norms and standards concerning the creation of service stands shall not apply to this program concerning temporary aid.
Participation	It is the active involvement of people in developmental programs in such a way that people are given opportunities to explore their inputs in planning, decision-making, and project implementation thereby allowing people to be actively involved in their development and not to be merely treated as recipients of services and products.

Policy Guidelines	Policy Guidelines refers to the Policy Guidelines for Implementing the Enhanced People's Housing Program in the North West Province.
Post-disaster recovery and rehabilitation	<p>Post-disaster recovery and rehabilitation refers to efforts, including development, aimed at creating a situation where:</p> <ul style="list-style-type: none"> • Normality in conditions caused by a disaster is restored by the restoration, and improvement, where appropriate, of facilities, livelihoods and living conditions of disaster-affected communities, including efforts to reduce disaster risk factors. • The effects of a disaster are mitigated. • Circumstances are created that will reduce the risk of a similar disaster occurring.
Proactive emergency	Proactive emergency housing addresses dangerous situations before emergencies/disasters arise, i.e., the risk situation can be identified, and emergency responses can be used to mitigate the risks and decrease vulnerability.
Procurement	Procurement is defined in the Housing Act, Act 107 of 1997, as amended, to be the process by which organs of state procure goods, services, and works from, dispose of moveable property, hire or let anything, or grant rights to the private sector. However, municipalities/Provincial Departments may employ current legislation authorizing the waiver of tender procedures and the introduction of replacement procedures appropriate for use in emergency housing situations. Proactive procurement procedures must be considered and can include annual contracts and the establishment of panels of suitable contractors and consultants.
Program scope	Program scope refers to assistance provided under this program as temporary aid that is temporary. The exception to this rule will be assistance with the repair or reconstruction of damage to permanent formal housing not covered by superstructure insurance and such assistance will be limited to absolute essentials.
Resident	A person who is a lawful resident in South Africa or who has a permanent residence permit.
Reactive emergency	Reactive emergency housing addresses rapid response to emergencies/disasters which have left affected households and/or communities homeless and/or destitute.
Resettlement	Resettlement requirements refer to the resettlement of families whereby approval is required by the community to relocate to a secure new location

	in an area designated in terms of an approved Integrated Development Plan (IDP).
Temporary assistance	Temporary assistance is assistance provided to affected people in the form of transit camps, temporary relocation areas (TRA), incremental development areas (IDA), or materials which may include starter kits for floods and fires. Additionally, it includes rebuilding programs for houses that are not formal dwellings.
Temporary relocation	A temporary relocation area is a site where people are housed temporarily, and the structures are intended for reuse once the affected people can return to their reconstructed houses or enter into other formal housing programs.
Variation calculator	It refers to an electronic calculator that has been developed for use when calculating the adjustment of the subsidy amount. The formulas used in the calculator are based on the extraordinary development conditions and the subsidy amount available during a specific financial year. Following the adjustment of the subsidy amount, an updated calculator is made available by the National Department of Human Settlement. To facilitate the evaluation of project applications, the Variation Manual is supported by an automatic variation amount calculator. This calculator operates through the software program Microsoft Word Excel and is available from the National Department of Human Settlement. The calculator will be annually adjusted by the Department in line with the building cost index. It is important to note that although the calculator can be used to determine variation amounts required for the adjustment of the project cost at project application stages, the actual variation amount must be determined based on a professional assessment of the extraordinary development conditions and the costing of the precautionary measures designed by the professionals. A geotechnical calculator was developed for the Department, in line with the National Department's variation calculator, in 2004, by Sonderland and Schutte Consulting Engineers, to be used by the Department for the calculation of geotechnical variations, which remains in use in the Department until such time deemed otherwise by the Accounting Officer of the Department.
Vulnerability	Vulnerability refers to the ability of a person or a community to predict, cope with, or avoid and recover from the consequences of a hazard or disaster. Marginalised, poorer, and overpopulated communities are more vulnerable and less able to cope with disasters.

1. INTRODUCTION

The Constitution of the Republic of South Africa, Act 108 of 1996, provides that everyone has a right to access adequate housing. The Department of Human Settlements, in conjunction with all its stakeholders and role-players, should do everything in its power to progressively realise this right of the country's citizens. A whole host of functions are set out for the National and Provincial Departments of Human Settlements in the Housing Act, Act 107 of 1997, as amended, which mandates emanated from the Constitution, Act 108 of 1996.

The Emergency Housing Assistance Program is a national policy under the National Housing Code, Part 3, Volume 4. Its main goal is to provide temporary assistance, such as secure access to land, basic municipal engineering services, and shelter, as emergency response mechanisms when disasters affect the livelihoods of citizens. The country, and the North West Province in particular, is regularly affected by natural and human-induced disasters that negatively impact the quality of life of citizens by rendering them homeless or destitute.

The Policy Guidelines for the Implementation of the Emergency Housing Assistance Program was initially approved by the Member of the Executive Council in 2017, however, due to various legislative changes and policy shifts. The reviewed Policy Guidelines is effective from the date of approval by the Member of the Executive Council thereby repealing the Policy Guidelines that was approved in 2017.

2. PURPOSE AND OBJECTIVES OF THE POLICY GUIDELINES

The North West Provincial Policy for the Emergency Housing Assistance Program aims to be a responsive, flexible and rapid program to address homelessness, dangerous living conditions, and temporary or permanent relocation of vulnerable households or communities in times of emergency housing situations.

3. SCOPE OF APPLICABILITY OF THE POLICY GUIDELINES

The North West Provincial Policy for the Emergency Housing Assistance Program benefits all persons who are *not* able to address their housing emergency from their resources or other sources such as proceeds of superstructure insurance policies and the following households will qualify for assistance under this Program:

- 3.1. Households that comply with the Housing Subsidy Scheme qualification criteria.
- 3.2. Households/persons with a monthly income exceeding the maximum income limit as approved by the Minister.
- 3.3. Households headed by minors who are not competent to contract in collaboration with the Department of Social Development.
- 3.4. Persons without dependents.
- 3.5. Persons who are not first-time homeowners.
- 3.6. Persons classified as aged with or without dependents.
- 3.7. Persons who have previously received housing assistance and who previously owned and/or currently own residential property.
- 3.8. Illegal immigrants on the conditions prescribed by the Department of Home Affairs on a case-by-case basis.
- 3.9. Deed searches will only be required when assistance is to be given for a repair or reconstruction of damage to permanent formal housing.
- 3.10. Persons requiring temporary assistance under this Program may subsequently apply for subsidies for permanent housing only if they satisfy the standard qualification criteria of the Housing Subsidy Scheme and with due regard to priority planning and allocations.

4. ENFORCEMENT

The risk of not complying with these Policy Guidelines in conjunction with relevant and applicable legislative and policy frameworks ultimately bears negative consequences of development and legal risk that can range from being accountable to justifying actions or

decisions made incorrectly and therefore knowingly accepting legal responsibility for loss of life. Therefore, the risks need to be managed, and the responsibility thereof lies with the accountable officials.

5. GUIDING PRINCIPLES

The North West Provincial Emergency Housing Assistance Program policy is underpinned by the following guiding principles:

- 5.1. Emergency housing interventions should reduce vulnerability and ensure that risks are mitigated in the short, medium, and long term.
- 5.2. A proactive response and the proactive potential of the Emergency Housing Assistance Program are essential features of the policy guidelines.
- 5.3. Livelihood strategies of affected households should be maintained, enhanced, and supported through the preservation of social networks as well as accessibility to urban networks and possible opportunities.
- 5.4. Capacity, ability and strength of affected people should be supported through community engagement and a clear understanding of their needs and abilities.
- 5.5. Human dignity should be considered, especially regarding attention to the distinct needs of vulnerable groups such as women, children, the aged, and people with disabilities.
- 5.6. Effectiveness, efficiency and sustainability should be pursued in the choice and method of intervention as well as the utilization of funds.
- 5.7. Responsiveness and flexibility to the situation and emergency context are critical.

6. STRATEGIC INTENT

The strategic intent of the North West Provincial Policy for the Emergency Housing Assistance Program is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency housing situations of exceptional need through the allocation of grants to

municipalities to achieve the following policy objectives. However, in the North West Province, the Developer function has not been devolved to municipalities and therefore the grant is accessed through the North West Provincial Department of Human Settlements:

- 6.1. To expedite actions to relieve the plight of persons in emergencies with exceptional housing needs.
- 6.2. To provide special arrangements in terms of which the Emergency Housing Assistance Program will address the diversity of needs of households in emergency housing situations.
- 6.3. To maximize the effect of projects through the Emergency Housing Assistance Program to ensure that funds are effectively expended, and the services provided can be converted for permanent residential development use.

7. LEGISLATIVE MANDATE

The following legislative, policy, and strategic frameworks are the primary enabling legislation insofar as they pertain to the implementation of housing subsidy benefits to qualifying beneficiaries of the Emergency Housing Assistance Program, and should therefore not be read and applied in isolation, but as part of an array of primary and secondary enabling legislative, policy, and strategic frameworks, and those legislative, policy and strategic frameworks that are not mentioned herein, should be consulted, if needs be:

7.1. Constitution of the Republic of South Africa, Act 108 of 1996

The Constitution of the Republic of South Africa, Act 108 of 1996, Section 9, confirms that everyone is equal before the law and has a right to equal protection and benefit of the law, and quality which includes the full and equal enjoyment of all rights and freedoms, and that the State, therefore, may not unfairly discriminate directly or indirectly against anyone or any one or more grounds. It states in Section 10 that everyone has an inherent

right to dignity and the right to have their dignity respected and protected, which is critical in the implementation of every national housing program. Essential for the Department to observe is Section 26 which prescribes that everyone has a right to have access to adequate housing and that the State (insofar as this Policy Guidelines refers to the Department of Human Settlements in the North West Province) must take reasonable legislative measures within its available resources to achieve this progressive right.

Emphasis is placed on adequate housing as adequate housing is inclusive of safe housing, meaning that all reasonable precautions should be taken where human settlements are developed such that the safety of beneficiaries is guaranteed, as it also states in Section 24(a) that *everyone has the right to an environment that is not harmful to their health or well-being* whereas Section 152(1)(d) states that *the objective of local government is to promote health and safety of its inhabitants*. In conjunction with the Prevention of Illegal Eviction from and Unlawful Occupation Land Act (PIE), Act 19 of 1998, as amended, no one may be evicted from their home or have their home demolished without an order of the court after considering relevant circumstances and no legislation may permit arbitrary evictions.

7.2. Housing Act, Act 107 of 1997, as amended

The Housing Act, Act 107 of 1997, as amended, is the primary piece of legislation for the housing mandate in South Africa and it legally entrenches policy principles outlined in the 1994 White Paper on Housing which provides for sustainable housing development processes, laying down general principles for housing development in all spheres of government, defining functions of national, provincial and local governments concerning housing development, and provides a foundation for the financing of national housing programs.

The Minister of Human Settlements in terms of section 3(4)(j)(ii) of the Housing Act, Act 107 of 1997, as amended, has decided to further regulate the application of the Ministerial National Norms and Standards to ensure that the government's housing programs

provide for the optimal use of the housing subsidy amounts in the pursuit of an equitable housing assistance dispensation and the creation of sustainable integrated human settlements. It is crucial to note Section 3(4)(g) of the Housing Act, Act 107 of 1997, as amended, which is highly relevant to the Emergency Housing Assistance Program. This section aims to offer temporary relief to individuals in urban and rural areas who are facing emergencies.

7.3. Housing Code, 2009

The National Housing Code, 2009, emanates from the Housing Act, Act 107 of 1997, as amended, sets out the underlying principles, guidelines, norms and standards which apply to the government's various housing subsidy assistance programs that were introduced in 1994. The main purpose is to provide an easy-to-understand overview of the various housing subsidy instruments to assist low-income households in accessing adequate housing.

The housing vision is underpinned by principles of sustainability, viability, integration, equality, reconstruction, holistic development, and good governance. South Africa's housing policy and strategy must contribute to a non-racial, non-sexist, and democratic integrated society. The goal is to improve the quality of living of all South Africans with an emphasis on the poor and those who cannot independently satisfy their basic housing needs. The Emergency Housing Assistance Program, Part 3, Volume 4 applies and should be read in conjunction with this policy guidelines.

7.4. Disaster Management Act, Act 57 of 2002, as amended

The Disaster Management Act, Act 57 of 2002, as amended, provides for an integrated and coordinated disaster management policy that focuses on preventing or reducing the risks of disasters, mitigating the severity of disasters, promoting emergency preparedness, ensuring rapid and effective response to disasters and proper post-disaster recovery. It further enacts the establishment of national, provincial and municipal

disaster management centres. The North West Province Disaster Management Centre has developed a North West Provincial Disaster Management Framework to guide the development and implementation of disaster management in the province. This Policy should also be read in conjunction with this Act, and the North West Disaster Management Framework.

7.5. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998, as amended

The Prevention of Illegal Eviction from and Unlawful Occupation Land Act (PIE), Act 19 of 1998, as amended, is a very important piece of legislation as it gives effect to Section 26(3) of the Constitution which provides safeguards against the eviction of unlawful occupiers living on both privately- and publicly-owned land and is, therefore, applicable to everyone who occupies land or property without the express or tacit consent of the owner or the person in charge of the land or the property. The PIE Act further stipulates express procedural requirements in Sections 4 and 6 for lawful evictions. While the provision of “alternative accommodation” for eviction under the PIE Act is generally accepted as the domain of emergency housing, evictions under the Extension of Security of Tenure Act (ESTA), Act 62 of 1997, as amended, which covers rural areas, are often unaccounted for. ESTA applies in areas zoned for farming and agriculture. Growing numbers in cases of farmer worker evictions offer insight into the role of emergency housing in providing alternative accommodation to evicted farm workers; even in cases where only a few farm workers are affected. Municipal jurisdiction extends to rural areas, and therefore a person facing eviction in rural areas has the right to approach the government for emergency housing.

7.6. Housing Consumer Protection Measures Act, Act 95 of 1998, as amended

The Housing Consumer Protection Measures Act, Act 95 of 1998, as amended, requires the NHRBC to publish a Home Building Manual, which contains the Technical Requirements (2014) prescribed by the Minister and guidelines established by the

NHBRC to satisfy such requirements. The NHBRC Home Building Manual, amongst others, describes the roles and responsibilities of different role players assigned in terms of the primary pieces of legislation governing the design and construction of homes, i.e., the National Building Regulations and Building Standards Act, Act 103 of 1977, as amended; the Housing Consumer Protection Measures Act, Act 95 of 1998, as amended; and the Occupational Health and Safety Act (OHSA), Act 85 of 1993, as amended.

The NHBRC represents the interest of housing consumers by providing warranty protection against defects in newly built homes; it regulates the home building industry in its entirety; it establishes and promotes ethical standards in the home building industry; it seeks to improve structural quality in the interest of housing consumers and the home building industry; and promotes home consumers rights.

The Housing Consumer Protection Measures Act, Act 95 of 1998, as amended, in Section 10, requires that home builders construct homes in a workmanlike manner which are fit for habitation and comply with the NHBRC Technical Requirements, and registered home builders rectify their own cost major structural defects in a home caused by the non-compliance with the NHBRC Technical Requirements and occurring within a stipulated period; and on this basis, the Housing Consumer Protection Measures Act, Act 95 of 1998, as amended, does not exempt any person from any provision of the National Building Regulations and Building Standards Act, Act 103 of 1977, as amended.

7.7. Policy for Beneficiary Management for the Department of Local Government and Human Settlements, 2017

This Policy was developed to provide guidelines in the Department of Human Settlements to be followed by providing procedures for identifying rightful beneficiaries, providing procedures on the breakdown of cohabiting relationships, providing procedures to deal with duplicate dependents, providing procedures to register rightful heirs upon the death of beneficiaries, and by providing procedures in the tracing and deregistration of missing/untraceable beneficiaries.

7.8. Policy on Housing Development Project Processes for the Department of Local Government and Human Settlements, 2018

This Policy seeks to, in line with the purpose of the policy, provide guidelines, and procedures concerning housing development processes which are project-based to ensure that all human settlement projects are implemented uniformly, effectively, and efficiently, ensuring optimum utilization and minimal wastage of state resources. The purpose of this Policy is to assist with the development and implementation of quality contract and project management plans for housing projects that will be undertaken by the Department, ensure that quality is an integral part of every housing project, reduce re-work and/or extensions on/of housing projects, compliance with all relevant sector-related norms, standards and legislative prescripts ensure that houses meet the satisfaction of the beneficiaries of low-cost housing options as the customers of the Department.

7.9. Guidelines for the use of Innovative Building Technologies in low-cost housing developments in the North West Province, 2019

The purpose of these Guidelines is to guide the application and implementation of quality innovative building technologies in low-cost human settlement developments and therefore serve as an aiding decision-making tool for the Department to make well-informed selections. Innovative building technologies must be selected in terms of their benefits and functionality such as improved construction turnaround time, lifecycle costing, bulk upfront costs, energy efficiency, sustainability principles, maintenance plans, environmental soundness, reliability, serviceability, and so on.

7.10. Guidelines for implementing Housing Consumer Education in the North West Province, 2022/2023

The purpose of the Housing Consumer Education Guideline is to establish a clear vision and a coherent yet integrated framework instrument that can guide housing consumer

education and awareness interventions. The Housing Consumer Education Guideline seeks to ensure and achieve uniformity and standardization in the implementation of housing consumer education by the Department of Human Settlements and other implementing agents throughout the North West Province.

7.11. Policy Guidelines for Occupational Health and Safety at Human Settlements Construction Sites in the North West Province, 2023/2024 in conjunction with the Occupational Health and Safety Act, Act, Act 85 of 1995, and the Construction Regulations, 2014

The main objective of these Policy Guidelines is to ensure that construction occupational health and safety is implemented according to legislative and policy prescripts, protocols, and procedures to ensure optimum implementation of housing delivery in the North West Province with minimal occupational health and safety injuries and fatalities. There are specific prescripts that the Department and the Contractor are obliged to follow and implement in line with the Occupational Health and Safety Act (OHSA), Act, Act 85 of 1995, and the Construction Regulations, 2014.

The main objective of the Occupational Health and Safety Act (OHSA), Act 85 of 1993, is to provide for the safety and health of employees to prevent and avoid work-related injuries and illness. Construction Regulations, 2014, aims to place more legal responsibilities on all key project stakeholders to ensure that their roles and responsibilities are more defined, as well as to impose more stringent health and safety obligations on all project stakeholders to ensure the health and safety of all those who work and visit construction sites.

7.12. Taxation Laws Amendment Act, Act 25 of 2015

Value Added Tax in line with the Taxation Laws Amendment Act, Act 25 of 2015, prescribes that the Emergency Housing Assistance Program provides grants to provide for emergency housing assistance in cases of declared disasters and in cases where the

Member of the Executive Council (MEC) believes that an emergency exists and to assist persons faced with evictions. It may also be applied to provide temporary accommodation to persons who need to be relocated to facilitate access to information settlement upgrading project progress. The program by and large does not provide individual ownership subsidies as the focus is temporary housing assistance and service provision. These interventions are thus not subject to the VAT zero-rating concession. However, in certain instances where existing permanent housing structures have been destroyed during disasters, the program will finance the reconstruction of services and houses. In these cases, the VAT zero-rating concession should apply. The subsidy amount applicable in such cases will vary depending on the circumstances but will by and large be equal to the subsidy under the Integrated Residential Development Program.

8. ROLES AND RESPONSIBILITIES

8.1. National Department of Human Settlements

- 8.1.1. Sets national policy in terms of technical requirements, norms and standards, and publishes subsidy quanta with applicable variations under the authority of the Minister for Human Settlements regularly. It also assists with the interpretation of policy programs.
- 8.1.2. Plays a pivotal role in creating an enabling environment that is conducive to effectively and efficiently implementing the national housing program throughout the country.
- 8.1.3. Assist other spheres of government where necessary or possible regarding conceptualization, application, evaluation, implementation, release of state land, and others.
- 8.1.4. Allocate funding to the provincial government.
- 8.1.5. Monitor and evaluate implementation.

8.2. Provincial Department of Human Settlements

- 8.2.1. Set aside an appropriate portion of the annual provincial housing budget for emergency housing.
- 8.2.2. Support municipalities wherever possible in compiling applications.
- 8.2.3. Take over the responsibilities of local government in cases where a municipality does not have sufficient capacity.
- 8.2.4. Assess disaster impacts to verify applications for funding within five (5) days following the occurrence of a reported incident that meets the qualifying conditions.
- 8.2.5. Assess disaster impacts together with affected local municipalities to verify applications for funding within thirty-five (35) days of the incident while adhering to the requirements of the emergency housing assistance program.
- 8.2.6. Forward the application for emergency housing funding with comments to the MEC who can exercise discretion in the use of the emergency housing guidelines outlined in this policy. Detailed considerations for project approval appear in Section 3.4.1. of the Emergency Housing Program in the Housing Code, 2009. No projects should be approved by the provincial government unless funding is allocated, and the municipality should be notified immediately regarding the status of the application.
- 8.2.7. Reserve, prioritise, and allocate funding for the program from the annual budget.
- 8.2.8. Conduct planning for the development of future formal housing where applicable.
- 8.2.9. Planning and development of permanent housing solutions.
- 8.2.10. Implement projects as a Developer.
- 8.2.11. Monitor the implementation of projects.
- 8.2.12. Assist with the use of accelerated planning procedures.
- 8.2.13. Update the Housing Subsidy System (HSS) with beneficiary information.
- 8.2.14. Assume ownership of temporary structures.
- 8.2.15. Report to the NDHS on monthly and quarterly reporting templates.

8.2.16. Support Local Municipalities to plan for potential disasters, i.e., identifying communities/households that reside in unsafe conditions or conditions posing a threat to their health and safety, and communities/households that live in areas prone to flooding and/or other natural disasters.

8.3. Local Municipalities

- 8.3.1. Identify the emergency and apply for assistance to the Department.
- 8.3.2. Proactively plan by establishing liaison channels and procedures to address emergencies.
- 8.3.3. Initiate, plan, and formulate application to the Department. Municipalities that are not accredited must do this under the supervision of the Department.
- 8.3.4. Ensure that situations that qualify under the Emergency Housing Assistance Program are given expedited/preferential treatment.
- 8.3.5. Request support from the Department if the municipality lacks capacity to conduct the initial assessment and other processes required to implement the program.
- 8.3.6. Ensure adequate communication and participation with beneficiaries and stakeholders.
- 8.3.7. Ensure that bulk, connector and basic engineering services are provided.
- 8.3.8. Provide relocation assistance, including transportation of affected people.
- 8.3.9. Operate, manage and maintain settlement areas created under this program.
- 8.3.10. Maintain or repair installed services and temporary shelters.
- 8.3.11. Provide basic engineering services and assistance whenever necessary to enable the installation/repair of engineering services by/for affected households.
- 8.3.12. Maintain a register of beneficiaries.
- 8.3.13. Work toward expediting emergency housing responses.

8.4. Other Departments and Providers

8.4.1. Provincial Disaster Management (by the Provincial Disaster Management Centre in Provincial COGTA):

8.4.1.1. The Municipal Disaster Management Centres in the North West Province and the Provincial Disaster Management Centre (PDMC) are the first responders on the scene of emergencies. The PDMC is the only state component that can coordinate emergency and/or disaster relief materials including transport, emergency shelter, trauma counselling, etc. Non-Governmental Organisations (NGOs) and other partners often assist with this process. There is, however, no clear timeframe indicating the transition between disaster support and emergency housing, but if disaster shelter is prolonged, it could constitute inadequate shelter in terms of the Constitution and may create additional challenges. Therefore, the efforts of the Emergency Housing Assistance Program must be aligned with the efforts of the PDMCs.

8.4.2. National Department of Cooperative Governance and Traditional Affairs (National COGTA):

8.4.2.1. The National Department declares national states of disaster in terms of the Disaster Management Act, Act 57 of 2002, as amended. National COGTA classifies disasters declared by provinces and municipalities. National COGTA can be approached to facilitate the securing of disaster funds after the declaration of a disaster by provinces. National COGTA can further be approached to assist with the Urban Settlement Development Grant (USDG) and the Municipal Infrastructure Grant (MIG).

9. POLICY GUIDELINES

SECTION 1: ASSESSMENT

- 9.1. Rapid but careful and systematic assessment of the emergency housing situation by the Local Municipality is the first critical step to ensure that the emergency has been understood properly and the relevant stakeholders have been engaged appropriately. This assessment should be conducted in conjunction with the provincial Departments of Human Settlements and COGTA.
- 9.2. Where a Local Municipality does not have adequate capacity to conduct this assessment, it can request the provincial Department of Human Settlements to assist with this assessment in writing.
- 9.3. Information obtained through the assessment will enable implementing agents to estimate timeframes and immediacy of responses and to assess the budget requirements. The assessment must be contextualized in the application to inform decision-making processes to respond to emergencies.
- 9.4. The contextual elements in the application that must be taken into consideration are:
- 9.4.1. *The emergency:*
 - 9.4.1.1. Type/nature.
 - 9.4.1.2. Frequency and chance of recurrence.
 - 9.4.1.3. Proactive or reactive response requirements.
 - 9.4.1.4. Scale.
 - 9.4.1.5. Urgency of response needed.
 - 9.4.1.6. Risk and vulnerability of the community or the area.
 - 9.4.2. *Land issues:*
 - 9.4.2.1. Suitability of current land for permanent or temporary settlement.
 - 9.4.2.2. Availability of other sites and parcels.
 - 9.4.2.3. Capacity improvement requirements.

9.4.3. *Capacity and resources:*

9.4.3.1. The State's capacity to undertake various responses and availability of financial resources.

9.4.3.2. Community structures, organizations, abilities, skills, assets and resources to support the intervention.

9.4.3.3. NGOs/partnerships within the community and between the State and the community that could be used to facilitate aid or response.

9.4.4. *Community dynamics:*

9.4.4.1. History of the community in the area.

9.4.4.2. Livelihood needs of affected households.

9.4.4.3. Vulnerability and resilience of the community.

9.4.4.4. Internal fragmentation and resistance.

9.5. Recommendations in terms of the appropriate category of response with substantiating reasons must also be included, see section 9.6. for categories of responses.

SECTION 2: CATEGORIES OF RESPONSE

9.6. The categories of response options that justify assistance in terms of the Emergency Housing Assistance Program are:

9.6.1. *Category 1: Emergency housing situation with permanent settlement solution where land is available for permanent housing solution:*

Table 1: Category 1: Emergency housing situation with permanent settlement solution where land is available for permanent housing solutions

Situation category	When to use	Considerations to be addressed by the intervention
Sub-category 1.1.:	<ul style="list-style-type: none">Settlements devastated by fires or storms where living conditions have deteriorated to such an	<ul style="list-style-type: none">Under these circumstances, temporary relief will be provided on a site where permanent housing

<p>Temporary on-site assistance, no relocation required:</p>	<p>extent that they are intolerable and pose a major threat to the health and safety of affected persons and surrounding areas.</p> <ul style="list-style-type: none"> • The existing settlement land is suitable for permanent housing development purposes later. • <i>In situ</i> upgrading can occur. • Temporary housing assistance can be provided on the land, as a first step towards permanent housing development. 	<p>using another program will be possible. It can include provision of assistance at the current site, or on a new site where persons are resettled. This may also include assistance within an existing developed area.</p> <ul style="list-style-type: none"> • Planning and surveying taking should be conducted. • The provision of basic municipal engineering services should be planned and designed in such a manner that it could be shared initially but can be extended later to service future permanent housing development.
<p>Sub-category 1.2.: Relocation to a permanent location with assistance temporarily:</p>	<ul style="list-style-type: none"> • Situations of flooding, fire, unsafe buildings or any event that rendered the land occupied inhabitable, unsafe or unavailable for further settlement purposes on a temporary or permanent basis, necessitating the relocation of affected persons and where suitable, available land exists where temporary settlement can take place, and the land can be developed for permanent housing in future. 	<ul style="list-style-type: none"> • Temporary shelter may be provided in either the form of assistance through the provision of building materials and/or assistance with the construction of shelter. • In terms of sub-category 1.3., such an approach should only be adopted in situations where its implementation will not adversely affect other development priorities and needs.
<p>Sub-category 1.3.: Temporary assistance through resettlement to an existing developed area:</p>	<ul style="list-style-type: none"> • Situations of flooding, fire, unsafe buildings or any event that rendered the land occupied inhabitable, unsafe or unavailable for further settlement purposes on a temporary or permanent basis, necessitating the relocation of affected persons and where suitable, available land exists where temporary settlement can take place, and the land can be 	<ul style="list-style-type: none"> • The municipality should ensure proper settlement management. • The municipality should ensure that persons receive land tenure rights by way of agreement and that provision is made for payment of rent and municipal services.

	<p>developed for permanent housing in future.</p> <ul style="list-style-type: none"> The land identified for resettlement purposes includes land that forms part of an existing development where such land does not form part of land earmarked for occupation or use by others, and where permanent housing development can later take place. 	
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Source: Housing Code, 2009

9.6.2. Category 2: Existing formal housing to be repaired or rebuilt:

Table 2: Category 2: Existing formal housing to be repaired or rebuilt

Situation category	When to use	Considerations to be addressed by the intervention
Permanent formal housing to be repaired or rebuilt:	<ul style="list-style-type: none"> Situations where houses are damaged or destroyed to be repaired or rebuilt on the existing site or a new serviced site for resettlement. This can only be used if the homeowner does not have insurance. 	<ul style="list-style-type: none"> The municipality should investigate whether any insurance cover in respect of any property applies or confirm that no such cover is applicable. Assistance may be given not only in respect of subsidised housing but also to other housing which has been damaged or destroyed in situations giving rise to an emergency as defined. Heads of households who benefit under this program must be recorded on the National Housing Subsidy Database as beneficiaries of the HSS, irrespective of the amount of the grant provided for repair work or reconstruction. Housing should, as a first option, be repaired or constructed on-site.

		<p>Assistance will only be provided in respect of one house per current site in formal townships (as well as in rural areas).</p> <ul style="list-style-type: none"> • Persons who reside in backyards cannot be assisted under this category and should apply under categories (1) or (3). • Assistance with the cost or repair or reconstruction of superstructures will be based on the actual cost of repair or reconstruction up to a maximum, equal to the amount of the Project Linked Consolidation Subsidy, inclusive of the contribution, applicable at the time of the project application approval, irrespective of the income of the beneficiary. This assistance is regardless of any extensions or improvements which may have been made to the property. • In the case of subsidised housing, where the owner has added improvements, those will not be repaired or reconstructed.
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Source: Housing Code, 2009

9.6.3. Category 3: Temporary solution:

Table 3: Temporary solutions

Situation category	When to use	Considerations to be addressed by the intervention
Sub-category 3.1.: Assistance with relocation to the	<ul style="list-style-type: none"> • Situations caused by severe frequent flooding, failure of dam walls, eviction from land or unsafe 	<ul style="list-style-type: none"> • Affected persons can only be provided with temporary relief on

<p>temporary settlement area and relocation once a permanent housing solution is possible:</p>	<p>buildings, and civil unrest where people are forced to vacate the land.</p> <ul style="list-style-type: none"> • Persons are settled on land and/or in buildings that can no longer be used for settlement purposes, either temporarily or permanently. • This may include a situation where affected persons can eventually or possibly return to the land, but not in the immediate future, since the land has been rendered unavailable or inhabitable, for a significant period. 	<p>land where housing permanently cannot be provided later.</p> <ul style="list-style-type: none"> • Temporary assistance can be provided either at the current settlement site or at another temporary site identified for this purpose. • Assistance provided will not in any way affect the granting or the quantum of housing subsidies to be allocated at a later stage. • Temporary basic engineering services and shelters should be designed for removal.
<p>Sub-category 3.2.: Temporary assistance on site with resettlement later to a permanent temporary settlement area:</p>	<ul style="list-style-type: none"> • Where the settlement land is dolomitic, classified as unsuitable for permanent development, but where through application of technical or other mitigating measures, it could for a period be used for temporary settlement only. • Land where the settlement has been destroyed by fire or heavy rain and where it can only be used for temporary settlement purposes. 	<ul style="list-style-type: none"> • The settlement layout and engineering services need not be designed for upgrading, but the layout should allow for access by utility, emergency and similar vehicles. • Basic layout planning may be conducted allowing for settlement densities higher than normal to accommodate several households per ordinary stand. • Only basic municipal engineering services should be provided and a strategy allowing for the sharing of these services.
<p>Sub-category 3.3.: Temporary assistance with resettlement to a permanent temporary settlement:</p>	<ul style="list-style-type: none"> • Situations caused by severe frequent flooding, failure of dam walls, eviction from land or unsafe buildings, civil unrest where people are forced to vacate the land. • Persons are settled on land and/or in buildings that can no longer be used for settlement purposes, either temporarily or permanently. • This may include a situation where affected persons can eventually or 	<ul style="list-style-type: none"> • Land surveying may not be required initially and should be limited to meeting basic legal requirements. • The necessary land use planning and environmental approvals must be obtained.

	<p>possibly return to the land, but not in the immediate future, since the land has been rendered unavailable or inhabitable, for a significant period.</p> <ul style="list-style-type: none"> • The municipality/the Department has established or wishes to establish a permanent temporary settlement area. 	<ul style="list-style-type: none"> • Geotechnical investigations may be conducted by way of scoping studies to obtain necessary approvals. • The municipality should ensure proper settlement management. • The municipality should ensure that persons receive tenure in the form of lease agreements, which may also provide for payment of rent and municipal services. • Standardised assistance should be provided regardless of whether households already have some building materials for shelter. • This approach is one of the last resorts and should only be adopted if no other course of action is feasible or practical. • In respect of sub-category 3.3., funds spent will constitute temporary assistance and will therefore not be considered in the granting of subsidies later.
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Source: Housing Code, 2009

SECTION 3: TECHNICAL NORMS, STANDARDS, AND VARIATIONS

9.7. The technical norms, standards and variations should be read in conjunction with the detailed description in the Housing Code and the Department's Policy for Geotechnical Site Investigations to Extraordinary Human Settlements Development Conditions and Applicable Variations:

Table 4: Technical norms, standards, and variations

8.3.1. Municipal engineering services in temporary settlement areas	8.3.2. Damaged municipal engineering services in permanent formal housing areas	8.3.3. Temporary shelter	8.3.4. Damaged permanent houses
<ul style="list-style-type: none"> • The National Norms and Standards in respect of Permanent Residential Structure shall not apply to the implementation of the program. • However, in certain circumstances where its implementation constitutes the first phase of a permanent settlement, the planning and design of temporary services to be provided must be considered in terms of the norms and standards referred to above. • In the context of temporary settlement, the provision of basic municipal 	<ul style="list-style-type: none"> • In case of damage to engineering services of existing subsidised housing, where no other funding is available, consideration should be given to the funding of repairs in accordance with the original approved project design and construction specifications. • In case of damage to engineering services requiring the reconstruction or provision thereof at another site, the National Norms and Standards will apply. 	<ul style="list-style-type: none"> • The National Norms and Standards in respect of Permanent Residential Structure will not apply in temporary settlement areas. • Temporary shelters should be basic, simple in form and easy to construct. The structural design should provide strength, stability and durability for the anticipated lifespan of shelter providing basic shelter against the elements and should be appropriate for the specific environment. • The floor area of the shelter should be at least 24m² and may vary up to 	<ul style="list-style-type: none"> • The repair or replacement of formal superstructures must comply with the National Norms and Standards in respect of Permanent Residential Structures. • Consideration will be given to the repair or replacement with similar materials and under proper supervision of superstructures constructed by traditional methods. • Where formal superstructures need to be replaced at a new site, the requirements of the NHBRC must be complied with. • Assistance in this case will be limited

<p>engineering services that can be funded from the grant is limited to water services, sanitation services, access roads and open-lined stormwater systems all provided on a shared basis in a dense settlement pattern.</p>		<p>30m² depending on the need and possibilities within funding limits.</p> <ul style="list-style-type: none"> • Where shelter to be provided could form part of a permanent housing solution at a later stage, it should as far as possible be consistent with the National Norms and Standards applicable to the relevant HSS. • Shelters can be provided through the supply of materials to beneficiaries on site to construct their shelter or to be constructed depending on the exceptional nature of the situation. • Technical specifications in the Housing Code are to be used in the design of shelters. 	<p>to a maximum of the consolidation subsidy amount applicable at the time of project approval as may be amended from time to time.</p>
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Source: *Housing Code, 2009*

9.8. Given the diverse nature of emergency housing situations that could exist, variations in terms of aspects such as geophysical conditions, topography, land prices, and

the availability of other acceptable local or alternative building materials may be applicable.

9.9. Variations applicable to temporary settlement areas:

9.9.1. Deviations from the guideline norms and standards (as above indicated in paragraph 9.7. and variations allowed should be fully motivated, for instance:

9.9.1.1. The use of timber or wood shelters in dense temporary settlement areas cannot be considered, whilst it could be viable in certain more dispersed situations.

9.9.1.2. The use of ventilated improved pit latrines (VIP)/toilets may not be appropriate in certain situations and an alternative system may therefore be required.

9.10. To accommodate any extraordinary development conditions such as geophysical conditions, topography, or project location, a variation of up to a maximum of 3% on the total grant amount per grant (based on a higher-than-normal settlement density of up to five [5] shelters per ordinary stand of 250m²) to be allowed, could be considered. The actual variation will be based on a professional assessment confirming the relevant conditions and must be costed in terms of the minimum precautions recommended by the professional.

9.11. In respect of areas where the use of VIP toilets may not be appropriate and where an alternative system such as a small bore or other appropriate system needs to be provided, an additional amount per grant (based on a higher-than-normal settlement density of up to five [5] shelters per ordinary stand of 250m²), could be applied. The actual variation must be based on professional assessment confirming the relevant conditions with detailed motivation and costing.

9.12. In respect of Category 1 (emergency housing situation with permanent settlement solution where land is available for permanent housing solution), a maximum

variation of 15% (fifteen percent) on the grant amount per grant, to address additional services costs based on a more permanent settlement layout, could be applied.

9.13. For the Category 3 (temporary solution) solution, land may be required through a lease, as a last resort.

9.14. Variations applicable to damaged permanent housing:

9.14.1. To accommodate extraordinary development conditions such as geophysical or location factors or a combination thereof, the variations as provided for in the Variation Manual described in the General and Technical section could be considered.

9.14.2. To accommodate disabled persons, the disability variation as contained in the Variation Manual described in the General and Technical section could be considered.

9.14.3. An additional variation of up to 5% (five percent) of the total grant amount could be warranted to cover the cost of removal of existing damaged structures and building rubble could be considered.

SECTION 4: THE APPLICATION

9.15. The contents of an application could contain information regarding the following:

9.15.1. The particulars of the applicant.

9.15.2. A description of the emergency need, indicating its nature, origin and planned course of action which should further include:

9.15.2.1. Locality.

9.15.2.2. Community profile.

9.15.2.3. Steps taken to date.

9.15.2.4. Identify whether there is a need to relocate affected persons, and if so, details on the new location and the land for proposed resettlement.

- 9.15.2.5. Whether a state of disaster has been/is to be declared, in which case this program is to augment the disaster management processes.
- 9.15.2.6. Detailed funding requirements.
- 9.15.2.7. Communication strategy.
- 9.15.2.8. Municipal capacity and requirements.
- 9.15.2.9. Exceptional situations.
- 9.15.2.10. Proposed project business plan and financial flow details.
- 9.15.2.11. Number of shelters to be provided and/or details of municipal engineering services to be provided and/or details of formal houses to be repaired or reconstructed.
- 9.15.2.12. Details on land ownership or acquisition of land.
- 9.15.2.13. Contracting strategy.
- 9.15.2.14. Detailed plan for permanent settlement solutions for affected persons if applicable.
- 9.15.2.15. Any other information that may assist the MEC to decide on the application.

9.16. The application should be submitted to the Department which will evaluate the application and submit it to the MEC for a decision. Upon receipt of the application from the local municipality, the Department should:

- 9.16.1. Acknowledge receipt of the application within seven (7) working days.
- 9.16.2. As soon as possible, examine the application to ascertain whether it is procedurally correct, comprehensive and appears to contain appropriate motivation for consideration in the case of an emergency housing situation. If this is not the case, the application must be returned promptly with an indication of what is incorrect or incomplete. In such cases, the application may be amended and resubmitted.

- 9.16.3. Ensure that each submission is accompanied by a document explaining the strategy proposed for follow-through actions and the completion of the project.
 - 9.16.4. Confirm that funds are available for the project.
 - 9.16.5. Evaluate the application forthwith and forward the documents concerned, together with its evaluation, comments and recommendations to make a suitable submission to the MEC for consideration.
- 9.17. In making its decision, the MEC shall, where applicable, give due consideration to the following criteria:
- 9.17.1. Conformity to the policy intent of the Emergency Housing Assistance Program and meet the requirements of the definition of an emergency housing situation.
 - 9.17.2. The cause, nature and extent of the emergency housing situation.
 - 9.17.3. Actions that have already been taken to address the immediate emergencies.
 - 9.17.4. Potential for further aggravation if emergency action is not taken.
 - 9.17.5. Availability of funds for the need to provide for other demands that might be made.
 - 9.17.6. Prevailing environmental conditions.
 - 9.17.7. Community involvement.
 - 9.17.8. Capacity of the municipality and/or the Department to assist or to address the situation.
 - 9.17.9. Evaluation of the Department of the situation and its recommendations.
 - 9.17.10. The need to request assistance from the NDHS.
 - 9.17.11. Job opportunities.
 - 9.17.12. Technical feasibility.
 - 9.17.13. Innovation, replicability, and cost efficiency.
 - 9.17.14. Accountability and the gearing of other possible State or other resources.
 - 9.17.15. Availability of suitable land, social and municipal services.

9.17.16. Cost and structure of the application in terms of the funding and technical requirements and guidelines.

9.17.17. Land ownership details, land acquisition plan, and land price.

9.17.18. Planning regarding the permanent housing solution for the affected persons.

9.18. Approval of the application:

9.18.1. If the application is approved, the MEC will, subject to the conditions of the Emergency Housing Assistance Program, determine specific terms and conditions applicable to the approval and the Department will register that approval and inform the municipality concerned.

9.18.2. No application should be approved unless funds are allocated to the project by the Department.

9.18.3. The MEC may stipulate the nature and scope of any other agreement/s it deems necessary for the successful completion of the project.

9.18.4. The Department must immediately notify the municipality concerned whether an application has been approved, approved with conditions, partially approved or declined.

9.19. Agreement between the and the local municipality concerned after the approval of an emergency housing project:

9.19.1. Each agreement between the Department and the municipality concerned should incorporate the application as an Annexure, which must be signed on behalf of the Department by the Head of the Department (HOD) and the Municipal Manager or other duly authorised representatives.

9.19.2. The agreement should at least contain:

9.19.2.1. Conditions imposed by the MEC when approving the project.

9.19.2.2. Requirements of the procurement regime.

9.19.2.3. Total number of persons/households to be assisted under the project.

- 9.19.2.4. Detailed description of the land and the basis for securing the land where assistance will be provided.
- 9.19.2.5. The envisaged planning of the area and the type of assistance that will be provided in terms of secure access to land, basic municipal engineering services to be provided, if applicable, the type of shelter to be provided to affected persons/households, if applicable, and detail of any other assistance to be provided.
- 9.19.3. A detailed itemised breakdown of all amounts of the grant and the total grant amount.
- 9.19.4. The amount of the grant approved under the Emergency Housing Assistance Program will be discounted against subsequent housing subsidies to the extent to which it contributes materially to the future permanent housing solution for the beneficiaries of the Program.
- 9.19.5. A detailed project implementation plan also indicates the cash flow, agreed project milestones and progress payments.
- 9.19.6. Rental to be charged for the shelter provided subject to any applicable provisions for assistance to indigent persons.
- 9.19.7. Arrangements about the responsibility for the use, management and maintenance, dismantling, removal and safe storage of temporary shelters provided or the transfer of shelters to the local municipality.
- 9.19.8. Arrangements to be made in respect of payment of service charges and where applicable, municipal rates.
- 9.19.9. The agreed professional services to be procured, details on the work to be done, and fees to be paid.
- 9.19.10. Detail on any other agreed housing goods or services to be provided and or procured.
- 9.19.11. Any other matters deemed reasonable and necessary to ensure meeting project objectives.

SECTION 5: LAND ACQUISITION

9.20. Where land suitable for housing development in emergency housing situations is required, it must first be sought from land identified in Spatial Development Frameworks that supplement Integrated Development Plans.

9.21. Preference should be given to the acquisition of state-owned land.

9.22. Privately owned land may be acquired through purchase as a last resort.

SECTION 6: PROCUREMENT OF HOUSING GOODS AND SERVICES

9.23. In all circumstances the prescripts applicable to municipalities and/or the Department must be complied with as outlined in the Public Finance Management Act (PFMA), Act 1 of 1999, as amended, Section 25 for National Departments and Section 16 for Provincial Departments, the Municipal Finance Management Act (MFMA), Act 56 of 2003, as amended, Section 29, and the Preferential Procurement Policy Act (PPPFA), Act 5 of 2000, as amended.

9.24. The following housing services and goods may be required:

9.24.1. Professionals to assist with technical support.

9.24.2. Acquisition of land.

9.24.3. Provision of building materials.

9.24.4. Contractor services.

9.24.5. Labour.

SECTION 7: OWNERSHIP OF TEMPORARY SHELTERS

9.25. The ownership of temporary shelters, as provided for under Section 9.6. of this policy to be provided under this program should vest with the Department, however, the Department:

9.25.1. May negotiate the transfer of ownership of the shelters to the municipality where this is feasible and practical.

9.25.2. May negotiate and agree with the municipality to take responsibility for the use, management and maintenance, dismantling, removal and safe storage of shelters.

9.25.3. Such agreements must comply with the provisions of the PFMA.

SECTION 8: FUNDS

9.26. Funds will be made available by the Department through the reservation of funds and/or reprioritisation as emergency circumstances arise to fund projects approved under this program. The authority to consider and approve projects and the financing of such projects will vest with the MEC.

9.27. Project funding will be determined by the MEC based on the nature and extent of the emergency housing situation.

9.28. Once a project has been approved a grant will be made available to the developer (which in the case of the North West Province, remains the Department) to undertake the provision of emergency housing assistance.

9.29. Persons qualifying for assistance under this program may include persons who do not comply with the qualification criteria applicable to the HSS; grants will not be made for assistance which should be funded by another national housing program.

9.30. The funding guidelines for amounts to be considered for each aspect of a project will be published by the National Department of Human Settlements and provided through an annual circular.

9.31. The actual costs of the project will be determined by a variety of considerations such as the location of the project, service standards, township design and layout, development options selected, and local tender prices.

10. IMPLEMENTATION, AWARENESS, COMMUNICATION, AND DISSEMINATION

10.1. The Policy Guidelines will be implemented by the North West Department of Human Settlements Chief Directorate for Housing Development in conjunction with applicable stakeholders and role-players.

10.2. Communication, awareness, and dissemination of the Policy Guidelines will be done through the North West Department of Human Settlements Directorate for Housing Research and Policy Development in conjunction with applicable role-players.

11. MONITORING AND EVALUATION

11.1. Monitoring and evaluation of compliance with the Policy Guidelines remains the most critical area to ensure effective implementation of the Policy Guidelines.

11.2. The Sub-Directorate of Monitoring and Evaluation under the Chief Directorate of Housing Needs, Research, Planning, and Technical Services in the North West Department of Human Settlements will be responsible for monitoring and evaluating compliance with the Policy Guidelines.

12. THE COMMENCEMENT DATE OF THE POLICY GUIDELINES

This Policy Guidelines shall come into effect from the date of approval.

13. REVIEW OF THE POLICY GUIDELINES

This Policy Guidelines will be reviewed as and when changes are effected in national legislation about the Emergency Housing Assistance Program.

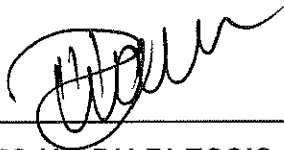
14. APPROVAL

Policy Guidelines Developers:



MS K MALOKA
DEPUTY DIRECTOR:
HOUSING POLICY DEVELOPMENT

14/10/2024
DATE



MS HH DU PLESSIS
DIRECTOR:
HOUSING RESEARCH AND
POLICY DEVELOPMENT

14/10/2024
DATE

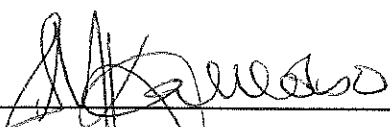
Recommended:



MR T PHETLHU
CHIEF DIRECTOR:
HOUSING NEEDS, RESEARCH, PLANNING, AND
TECHNICAL SERVICES

16/10/24
DATE


Recommended



MS MK MAHLOBO
HEAD OF DEPARTMENT

16/01/2025
DATE

Approved:



MEC GO MOLAPISI

16/01/2025
DATE

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