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DEPARTMENT OF HUMAN SETTLEMENTS

# GUIDELINES FOR IMPLEMENTING HOUSING CONSUMER EDUCATION IN THE NORTH WEST PROVINCE

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Let's Grow North West Together

## **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 noncommercial basis, as it is the right of all humans to know, understand, and speak the laws that govern them.

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**ABBREVIATIONS**

<b>Abbreviation</b>	<b>Full description</b>
<b>BNG</b>	Breaking New Ground
<b>CBO</b>	Community-Based Organisation
<b>CRO</b>	Community Resource Organisation
<b>EPHP</b>	Enhanced People's Housing Process
<b>FLISP</b>	Finance Linked Individual Subsidy Programme
<b>HOD</b>	Head of Department
<b>HCE</b>	Housing Consumer Education
<b>HSDG</b>	Human Settlements Development Grant
<b>IBT</b>	Innovative Building Technologies
<b>LGHS</b>	(former) Department of Local Government and Human Settlements
<b>MEC</b>	Member of the Executive Council
<b>NDHS</b>	National Department of Human Settlements
<b>NDMV</b>	National Department of Military Veterans
<b>NHBRC</b>	National Home Builders Regulatory Council
<b>NHFC</b>	National Housing Finance Corporation
<b>NWHS</b>	North West Department of Human Settlements
<b>NWP</b>	North West Province
<b>ODA</b>	Other delivery agents
<b>SHI</b>	Social Housing Institution
<b>SHRA</b>	Social Housing Regulatory Authority

## DEFINITIONS

**Active citizenry** is a process whereby individuals and communities get involved in their local communities and democracy at all levels and take active responsibility and initiatives in areas/activities of public concern.

**Alternative technologies** refer to technologies that are more environmentally friendly than the functionally equivalent technologies dominant in current practice.

**Basic services** refer to services such as electricity, water, sanitation, refuse and waste removal which are critical services to improve the quality of the lives of people in South Africa, government has committed itself to providing a basic amount of free water and electricity to the poor, which is mostly referred to as free basic services.

A **beneficiary** refers to a person who receives a housing benefit or subsidy after qualifying according to the various national housing subsidy programmes.

**Community** is defined either by their location by living in a particular geographical location/area, and/or by a common interest for example a household who wants a house or who wants to participate in a national housing programme.

A **Community-based Organisation** is normally a non-profit organisation that works at a local/grassroots level to improve the lives of community members/residents with the focus to build equality across all societal streams, for example, equal access to health care, equal access to education, equal access to housing, equal access to information, and so on. It, therefore, embarks upon a series of activities to bring about a desired outcome or improvement in the community's social well-being and its members.

**Competent to contract** refers to a person who is legally competent to contract, i.e. over the age of 18 years or older or legally married or legally divorced and of sound mind.

**Delegation** in terms of the Housing Act, Act 107 of 1997, Part 3, Section 7, Sub-sections (1), (2), (3) and (5) refers to:

- (1) Every provincial government, through its MEC, must after consultation with the provincial organizations 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.
- (2) For sub-section (1) every provincial government must through its MEC:
  - (a) determine provincial policy in respect of housing development;
  - (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 under 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 programme and every provincial housing programme, which is consistent with national housing policy and section 3(2)(b), under the guidelines that the Minister approves for the financing of such a plan with money from the Fund.
- (3) A MEC must:
  - (a) administer every national housing programme and every provincial housing programme which is consistent with national housing policy in section 3(2)(b), and for this purpose may, under that programme and the prescripts contained in the Code, approve:
    - (l) 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 under 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.
- (4) The MEC may, subject to conditions he or she may deem appropriate in any instance:
- (a) delegate any power conferred on him or her by this Act; or
  - (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 capacity or under 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.

**Department** refers to the North West Provincial Department of Human Settlements.

The **Developer** refers to the organisation/institution planning and implementing human settlement developments. 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, and the Municipal Accreditation Framework.

The **Emergency Housing Assistance Programme** provides for temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergencies that requires exceptional housing needs through the allocation of grants to assist beneficiaries in such emergencies.

**End-user education** refers to consumer education on alternative or innovative building technologies and their associated service rights, responsibilities, facility

operation and maintenance, environmental conservation and demand management including how to reduce, reuse and recycle.

The **Enhanced Peoples Housing Process Programme** provides for a process where beneficiaries are actively involved in the decision-making over the housing process, and product preferences and thereby actively contributing to the building of their own homes.

**Extra-ordinary human settlement development conditions** refer to site characteristics that require some measures over and above the “norm” to ensure satisfactory housing outcomes and therefore require intensive precautionary measures to ensure a durable product with investment value. Extra-ordinary human settlement development conditions relate to climatic, topographic (natural ground slope of a site) and geotechnical (inherent geology) conditions.

The **Farm Workers Housing Programme** provide a flexible mechanism that will promote access to adequate housing, including basic services (as an option of last resort) and secure tenure to farmworkers and residents in a variety of farming situations across the country. In addition, the programme aims to provide housing solutions on a project basis for registered labour tenants.

The **Finance-Linked Individual Subsidy Programme** is a housing subsidy for first-time homebuyers to assist with purchasing a home. The subsidy is paid to the bank or financial institution and will reduce monthly loan instalments, making it more affordable to buy a home.

A **first-time homeowner** who is an applicant for a housing subsidy must not have owned or currently own an improved residential property and may not have previously received housing assistance that conferred ownership of residential property from any of the previous or current government housing assistance schemes.

**Home** refers to a meaning assigned in the Housing Consumer Protection Measures Act, Act 95 of 1998:

- a) excluding:



- 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; and
  - e. a shack or caravan.
- b) including:
- 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 programme contemplated in the National Housing Code issued in terms of the Housing Act, Act 107 of 1997;
  - 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.

A **housing consumer** is a person who is in the process of acquiring or has acquired a home and includes such person’s successor in the title deed.

A **housing development** is defined in terms of the Housing Act, Act 107 of 1997, 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.

The **Individual Subsidy Programme** envisages a funding arrangement for housing assistance to individual households who wish to acquire properties of choice. The Programme accommodates both beneficiaries who wish to access only subsidy funding to acquire a residential property or who can afford a mortgage loan to finance a residential property. Persons who have acquired vacant serviced stands without State assistance and who need assistance with the construction of a house may also apply for an Individual Subsidy.

**Indigent** refers to a needy person.

**Innovative Building Technologies** refer to innovative or alternative building technologies associated with non-standardised construction.

An **Innovative Building Technologies Contractor** refers to the party that will be responsible for constructing the whole house and the housing project such as the Innovative Building Certificate holder/licensee who will have respective responsibilities, depending on the type of contractual agreement. The Innovative Building Technology system owner/licensee must be registered as a home building/contractor with the National Home Builders Registration Council and the Construction Industry Development Board and have relevant experience, financial capability and track record of good quality work to roll out the required number of houses (they can sub-contract the other system of the house such as the foundations, roof, services and finishes).

***In situ*** refers to the original place.

The **Military Veteran Housing Programme** refers to a national housing programme that is geared to provide accelerated housing opportunities to qualifying Military Veterans as defined in the Military Veterans Act, Act 18 of 2011.

**Municipality** refers to a municipality as contemplated in Section 155 of the Constitution of the Republic of South Africa, Act 108 of 1996.

**National Building Regulations** refers to building regulations as set out under the National Building Regulations and Buildings Standards Act, Act 103 of 1977, of which regulations include mandatory performance requirements that support the objectives of the Act which is to ensure the safety and health of persons living or working in any building. It contains SANS 10400 which contains prescriptive rules given for any form of construction that is deemed to satisfy.

**National Home Builders Registration Council** is established in terms of the Housing Consumers Protection Measures Act, Act 95 of 1998 and the objectives of the Council include to:

- a) represent the interests of housing consumers by providing warranty protection against defects in new homes;
- b) regulate the home building industry;
- c) protect housing consumers in respect of a 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 homebuilding.

A **National housing programme** refers to any national policy framework to facilitate housing development, including, but not limited to, any housing assistance measure as referred to in Section 3(5) of the National Housing Act, Act 107 of 1997, or any other measure or arrangement to:

- a) assist persons who cannot independently provide for their own housing needs;
- b) facilitate housing delivery; or
- c) rehabilitate and upgrade existing housing stock, including municipal services and infrastructure.

**Participation** refers to the active involvement of people in developmental programmes 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.

A **resident** is a person who is a lawful resident in South Africa or who has a permanent residence permit.

**Social Housing** is a rental or cooperative housing option for low to medium-income households at a level of scale and built form which requires institutionalised management, and which is provided by social housing institutions or other delivery agents in approved projects in designated restructuring zones with the benefit of public funding as contemplated in the Social Housing Act, Act 16 of 2008.

**Tenure** of land and/or property that guarantees legal protection against forced eviction, harassment, or other threats. It may take a variety of forms, for example, including rental (public or private) accommodation, cooperative housing, lease, owner-occupation, emergency housing, and/or informal settlements.

A **village** can be seen as a clustered human settlement or community, larger than a hamlet but smaller than a town, and in South Africa, a village is mostly referred to as a human settlement within a rural area, wherein the houses can be closer to each

other or quite dispersed, and with most villages, it is under a Traditional Leadership, therefore the tenure rights are in the form of “permission to occupy”.

## 1. INTRODUCTION

A housing development is defined in terms of the Housing Act, Act 107 of 1997, 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.

For housing development to be sustainable, permanent residential structures with secure tenure must be established together with all the other basic requirements and or basic services must be provided to upgrade informal settlements, as set out in the Housing Act, Act 107 of 1997. This includes capacity building of participating communities at all levels to such a level that they are empowered to participate in their development. Making communities sustainable through housing development also requires the establishment or strengthening of local community institutions or organisations to such a level that they can maintain developments as well as conduct future developments within the community. For the community to then become economically self-sustaining, opportunities need to be created where the community can utilize their inherent and newly developed capacity for local economic development.

To realise this, housing consumer education is provided by the Department of Human Settlements in partnership with various role-players and or stakeholders to educate communities about sustainable human settlements and beneficiation. The programme covers issues such as the different housing subsidy programmes, security of tenure, qualifying criteria as a beneficiary, different stages of housing projects, rights and obligations of homeowners and beneficiaries, and the role of the community in housing projects that are taking place in their respective communities.

Poor decision-making by existing and potential homeowners and tenants due to the lack of understanding of rights and obligations as homeowners and tenants has impacted severely on services that are delivered by the government in general. The exploitation of existing and potential homeowners and tenants, and a general failure to perceive homeownership as an investment, requires that government must take on extra measures and care to educate all citizens on the matters that concern them regarding homeownership or tenancy.

The Department of Human Settlements and other implementing agents of human settlements should therefore ensure that all housing consumers understand the government's role in human settlement delivery. It further must ensure that housing consumers understand their rights, duties, responsibilities and obligations working in partnership with the government to meet their housing needs to ensure a more sustainable delivery system.

## **2. PURPOSE OF THE GUIDELINE**

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.

## **3. SCOPE OF APPLICATION**

The Housing Consumer Education Guideline will be applied to all potential and existing housing consumers insofar as it pertains to all the national housing programmes that are implemented by the Department of Human Settlements in the North West Province.

## **4. OBJECTIVES OF THE GUIDELINE**

The objectives of the Guideline for Housing Consumer Education include:

- 4.1. To ensure that housing consumers and/or beneficiaries of housing subsidy assistance should understand the government's role in housing provision.
- 4.2. To ensure that housing consumers and/or beneficiaries of housing subsidy assistance understand their roles, rights, duties, responsibilities, and obligations in working with the government to meet their housing needs to ensure a more sustainable housing delivery system.
- 4.3. To ensure that housing consumer education is uniform, targeted, and specific to enable housing consumers and/or beneficiaries of housing subsidy assistance to make informed choices regarding housing.
- 4.4. To provide information about the government's comprehensive plan for creating sustainable human settlements.
- 4.5. To educate housing consumers and/or beneficiaries about the various national housing programmes that are provided by the government.

## **5. GUIDELINE PRINCIPLES**

The Guideline for Housing Consumer Education is underpinned by the following core principles:

- 5.1. Constant open communication with beneficiaries for them to understand and be informed about what level and quality of assistance they will receive from the Department of Human Settlements.
- 5.2. Housing consumer education should be provided timeously before consumers/beneficiaries enter housing transactions/contracts to ensure that they are informed of the available various housing opportunities.
- 5.3. Partnerships are formed with applicable institutions to deliver housing consumer education such as non-governmental organisations, community-



based organisations, local municipalities, and support institutions of government.

- 5.4. Housing consumer education must form part of the housing delivery process so that it enhances a seamless delivery process.
- 5.5. Housing consumer education must be beneficial to the housing delivery system in general and housing consumers/beneficiaries.
- 5.6. A standard comprehensive information package is developed, designed in such a manner that the core principles are distilled and imparted to the various categories of housing consumers/beneficiaries, and are tailored to the various levels of functional literacy.
- 5.7. The impact of housing consumer education must be regularly assessed through user-friendly evaluation methods, observation, oral feedback, attestations, case studies, socio-economic impact assessments, help-desk enquiries/interviews, and surveys.

## **6. LEGISLATIVE MANDATE**

The following legislative, policy and strategic frameworks are the primary enabling legislation and/or policy frameworks insofar it pertains to the standard and uniform application and procedures of housing consumer education, and therefore this guideline should 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:

### **6.1. Constitution of the Republic of South Africa, Act 108 of 1996**

Section 26 of the Constitution of South Africa, Act 108 of 1996, states that “everyone has a right to adequate housing”. Section 26(2) further states that “the State must take reasonable legislative measures within its available resources, to achieve the

progressive realisation of this right". Section 29 states that "everyone has (a) the right to basic education, including adult basic education, and (b) to further education, which the state through reasonable measures, must make progressively available".

Sections 26 and 29, therefore, place an obligation on the government to play an active role in ensuring that communities receive education through various mechanisms to impart knowledge and skills to all citizens of the country. In this context, the Guidelines for Housing Consumer Education seek to realise the government's mandate.

## 6.2. **Housing Act, Act 107 of 1997**

The Housing Act, Act 107 of 1997, is the primary housing legislation in South Africa and derives its mandate from the Constitution of South Africa, Act 108 of 1996. It defines and clarifies the principles, roles, and responsibilities of the different spheres of government as it sets out to provide for the facilitation of a sustainable housing development process. It further provides that all citizens and permanent residents of South Africa shall, on a progressive basis, have access to potable water, adequate sanitary facilities, and domestic energy supply.

Reference to the Guidelines for Housing Consumer Education, Part 1 Section 2(1)(b) states that the "(1) national, provincial and local spheres of government must (b) consult meaningfully with individuals and communities affected by housing development". This requires the government to ensure that communities and beneficiaries of human settlement developments are consulted through all the stages of human settlement development and actively form part of the housing delivery process.

Additionally, Part 1 Section 2(1)(e) states that the "(1) national, provincial and local spheres of government must (e) promote education and consumer protection in respect of housing development". This requires the government to ensure that housing consumer education takes place in respect of all and that all communities, housing consumers, homeowners and beneficiaries have access to sufficient information concerning their housing needs.

### 6.3. **Housing Code, 2009**

The National Housing Code, 2009, published in line with Section 4 of the Housing Act, Act 107 of 1997, sets the tone in terms of the underlying policy principles, guidelines, norms, and standards that apply to the government's various housing assistance programmes introduced since 1994.

The Housing Code, 2009, provides for housing consumer education as part of the housing development process. The Housing Code, 2009, housing consumer education aims to support households to ensure that consumers/beneficiaries understand their rights, duties, responsibilities, and obligations working. It further requires that communities, homeowners, and beneficiaries work in partnership with the government to meet their housing needs to ensure a more sustainable housing delivery system.

### 6.4. **Housing Consumers Protection Measures Act, Act 95 of 1998**

The purpose of the Housing Consumers Protection Measures Act, Act 95 of 1998, provides for the protection of housing consumers. It also provides for the establishment of the National Home Builders Registration Council (NHBRC), whose objectives are, amongst others, to represent the interests of housing consumers by providing warranty protection against defects in new homes and to provide protection to housing consumers in respect of the failure of home builders to comply with their obligations in terms of the Housing Consumers Protection Measures Act, Act 95 of 1998. It emphasises also the objectives to promote housing consumer rights through housing consumer education.

### 6.5. **Intergovernmental Relations Framework Act, Act 13 of 2005**

The Intergovernmental Relations Framework Act, Act 13 of 2005, establishes a framework for the national government, provincial government, and local government to promote and facilitate intergovernmental relations as well as provide for mechanisms and procedures to facilitate the settlement of intergovernmental disputes.

Chapter 3, Section 35-38 prescribes rules of conduct for intergovernmental relations and provides for implementation protocols between the three spheres of government.

Concerning the Guidelines for Housing Consumer Education, the Intergovernmental Relations Framework Act, Act 13 of 2005, provides a platform for the three spheres of government to form a partnership to deliver housing consumer education uniformly to all communities, homeowners, and beneficiaries.

#### 6.6. **Social Housing Act, Act 16 of 2008**

The Social Housing Act, Act 16 of 2008, aims to establish and promote a sustainable social housing environment; define the functions of national, provincial and local governments in respect of social housing; provide for the establishment of the Social Housing Regulatory Authority; to allow for the undertaking of approved projects by other delivery agents with the benefit of public money; to give statutory recognition to social housing institutions; to provide information and communication that is appropriate to the tenants/members about the standards of housing services, and how to access these housing services.

Accredited social housing institutions that are at the tenancy stage in social housing projects are obliged to provide pre-tenancy training to applicants (for tenancy in a social housing project) and all applicants must undergo the training. The training concentrates on the understanding of social housing as a national housing programme, the roles and responsibilities of the social housing institution and the residents/tenants in respect of finances, social issues, and maintenance; residents'/tenants' participation and community development.

#### 6.7. **The Rental Housing Act, Act 50 of 1999, and the Rental Housing Amendment Act, Act 35 of 2014**

The Rental Housing Amendment Act, Act 35 of 2014, amends the principal Act, the Rental Housing Act, Act 50 of 1999, therefore the two acts should be read in conjunction with each other.

The principal and amendment act defines the responsibility of the government in respect of rental housing property; mechanisms to promote the provision of rental housing property; promote access to adequate housing through creating mechanisms to ensure the proper functioning of the rental housing market; provision for the establishment of Rental Housing Tribunals and to define the functions, powers and duties of such Tribunals; general principles governing conflict resolution in the rental housing sector; facilitation of sound relations between tenants and landowners; and to prescribe general requirements relating to leases.

The principal and amendments acts require that all local municipalities appoint Information Officers who will educate landowners and tenants in respect of landlord-tenant rights, obligations, and relationships. The Information Officers are also required to advise landowners and tenants concerning the contractual relations between them regarding the property that is let/rented.

#### **6.8. Guidelines for implementing the Enhanced People's Housing Process Programme in the North West Province, 2021**

The purpose of the Guidelines for implementing the Enhanced People's Housing Process Programme in the North West Province, 2021, seeks to achieve uniformity and standardization in the implementation of the Enhanced People's Housing Process Programme as a national housing programme that is implemented in the North West Province. The Enhanced People's Housing Process Programme applies in various options, such as areas/projects where communities have already organised themselves and want to participate in the programme, which is a demand-led approach; or areas/projects where there is an opportunity to mobilise communities to participate in the programme, which is a supply-led approach.

Active beneficiary involvement and participation in decision-making before and during the implementation of the programme until the logical conclusion of such projects requires that beneficiaries be capacitated and trained on several skills, not only construction. During this process, the beneficiaries should be provided with certificates of completion of the skills they have attained; as well as for the housing consumer

education and awareness they received before, during and after project implementation.

**6.9. Guidelines for the Use of Innovative Building Technologies in Low-Cost Housing Developments in the North West Province, 2019, Guidelines were regularized on 14/01/2020**

The purpose of this Guideline for the Use of Innovative Building Technologies in Low-Cost Housing Developments in the North West Province serves as a guide in respect of the application and implementation of quality innovative and/or alternative building technologies in low-cost human settlement development housing programme options. This guide also aims to define how the Department must ensure that communities that will be receiving innovative building technologies, should be trained/receive housing consumer awareness in all aspects of the innovative building technology as well as maintenance of such technologies, inclusive of their rights and responsibilities as housing consumers. The Guidelines require that housing consumer education should commence before the project is implemented as well as just before handover takes place and the department must keep records of each beneficiary having received innovative building technology consumer education.

**6.10. Implementation Guidelines for the Military Veterans Housing Programme in the North West Province, 2020**

The purpose of these Implementation Guidelines for the Military Veterans Housing Programme in the North West Province, 2020, seeks to acknowledge and address the plight of destitute Military Veterans insofar as it pertains to the right to access adequate and decent housing opportunities provided they meet the minimum qualifying criteria as set out in applicable enabling legislation, policies, procedures and strategic frameworks, in its efforts as the North West Department of Human Settlements to create viable, sustainable and integrated human settlements through the provision of housing subsidy benefits for qualifying Military Veterans. It seeks to ensure that housing consumer education takes place pre-during and post-delivery of housing units to all qualifying Military Veterans as beneficiaries of the housing programme.

## **7. GENERAL ROLES AND RESPONSIBILITIES**

### **7.1. National Department of Human Settlements**

7.1.1. The National Department of Human Settlements' responsibility is to establish and facilitate a sustainable national housing development process, and must, for this purpose, determine national housing policy.

7.1.2. The National Department of Human Settlements oversees the implementation of the National Housing Consumer Education Framework.

7.1.3. The National Department of Human Settlements serves as a measure to ensure accountability by all role-players to carry the responsibility of implementing the National Housing Consumer Education Framework in housing consumer education.

7.1.4. The National Department of Human Settlements ensures effective communication with the public thereby raising awareness among housing consumers.

7.1.5. The National Department of Human Settlements designs flyers and/or pamphlets through the Communication Directorate to ensure uniformity so that the same information is disseminated to housing consumers.

7.1.6. The National Department of Human Settlements monitors and evaluates progress made in the rolling out of housing consumer education countrywide. ---

### **7.2. North West Provincial Department of Human Settlements**

7.2.1. The Provincial Department of Human Settlements' main responsibility is to create an enabling environment, by promoting and facilitating the provision of adequate housing in its province within the framework of national housing policy.

- 7.2.2. The Provincial Department of Human Settlements must develop an operational plan to implement the roll-out/implementation of the housing consumer education programme. This plan must be aligned to the Business Plan targets for housing development in the province and must ensure that it includes pre- during and post-project implementation housing consumer education to potential and qualifying individuals/communities/beneficiaries.
- 7.2.3. The Provincial Department of Human Settlements must coordinate, monitor, and evaluate the effectiveness and efficiency of the housing consumer education programme.
- 7.2.4. The Provincial Department of Human Settlements must organise and conduct workshops to market and communicate housing consumer education with communities as well as hold launches and/or roadshow housing consumer education.
- 7.2.5. The Provincial Department of Human Settlements must develop any supplementary information that will address provincial-specific related issues and disseminate such to communities, but extra care must be taken that the information is aligned to national policy and information. Province-specific housing information developed by the Provincial Department of Human Settlements should only be disseminated within the boundaries of the specific Province.
- 7.2.6. The Provincial Department of Human Settlements must conduct housing consumer education where necessary. The physical delivery of housing consumer education should be augmented with widespread media and social media coverage.
- 7.2.7. The Provincial Department of Human Settlements must provide regular reports to the National Department of Human Settlements on housing consumer education.



7.2.8. The Provincial Department of Human Settlements must capacitate local municipalities in housing consumer education and related matters.

7.2.9. The Provincial Department of Human Settlements must identify best practices for housing consumer education to replicate in the province.

### **7.3. Local Municipalities**

7.3.1. Local Municipalities must capacitate and/or empower all stakeholders/role-players on housing consumer education.

7.3.2. Local Municipalities must disseminate housing consumer information through the distribution of pamphlets, flyers, newsletters, brochures, leaflets, etc., which were developed by the National and Provincial Department of Human Settlements.

7.3.3. Local Municipalities must provide municipal facilities as much as possible for housing consumer education purposes.

7.3.4. Local Municipalities receives queries, design feedback and evaluation from potential and qualifying beneficiaries to serve as impact assessments for housing consumer education in its areas of jurisdiction; and provide this feedback to the Provincial Department of Human Settlements, which in turn will report the assessments to the National Department of Human Settlements.

7.3.5. Province-specific housing information developed by the Provincial Department of Human Settlements should only be disseminated within the boundaries of the specific Province.

### **7.4. Other stakeholders and role-players**

7.4.1. The Provincial Department of Human Settlements will liaise and oversee housing consumer education that is facilitated and conducted by specific

stakeholders and role-players insofar as it pertains to the implementation of specific national/province-specific housing programmes which necessitates additional requirements as per the specific housing programme.

## **8. DELIVERABLES**

### **8.1. Housing consumer education content**

8.1.1 Housing consumer education must cover the entire range of what is required for the awareness and education process of all the various types of housing consumers within different types of target markets.

8.1.2. This Guideline intends to provide a framework for the delivery of generic content that applies to all target markets, but also to provide for the delivery of specific segments of the various target markets.

#### **Content: Generic issues**

8.1.3. The general information that must be contained in a housing consumer education programme should include at a minimum:

8.1.3.1. Introduction and background of housing consumer education.

8.1.3.2. Explain the roles and responsibilities of housing consumers.

8.1.3.3. Explain the basic application process to apply for a housing subsidy as well as the application requirements and criteria.

8.1.3.4. Provide the application forms to apply for a housing subsidy and take potential applicants through the form in terms of how it must be completed and the type of documents that will be required to attach to the form.

8.1.3.5. Provide details on Wills and sample forms, so that applicants can nominate beneficiaries in case of death.

8.1.3.6. When the housing consumer education takes place before the implementation of a particular housing project, the housing

- consumer should be informed of the project's estimated timelines and the different milestones of building houses.
- 8.1.3.7. Explain the roles and responsibilities of the Provincial Department of Human Settlements, the Local Municipality, and the Contractor.
  - 8.1.3.8. Provide the housing consumers with applicable contact numbers for the Provincial Department of Human Settlements, the Local Municipality, and the Contractor.
  - 8.1.3.9. Make a clear distinction between the roles and responsibilities of government and private sector involvement, for example, the involvement of banks for bonded housing.
  - 8.1.3.10. Educate housing consumers on basic financial literacy concerning the upkeep of their housing products and associated costs.
  - 8.1.3.11. Explain the process of title deeds for the applicable housing product.
  - 8.1.3.12. Potential and qualifying beneficiaries of national housing opportunities should be educated about the pre-emptive rule as contained in the Housing Act, Act 107 of 1997.
  - 8.1.3.13. Home improvements that can add value to the property and town planning requirements must be considered and followed to improve properties.
  - 8.1.3.14. Wealth generation opportunities of property ownership.
  - 8.1.3.15. Income generation by running a business from home and applicable approvals.
  - 8.1.3.16. Cost-saving opportunities by using the land to grow small household fruit and vegetable provisions.
  - 8.1.3.17. Explain the rights and obligations of landowners and tenants in rental agreements.
  - 8.1.4.18. Explain the rights, obligations and involvement of individuals and communities as it pertains to specific national housing programmes such as the Enhanced People's Housing Process Programme, the Military Veterans Housing Programme, the Farm Workers Housing Programme, the Social Housing

Programme, and the Upgrading of Informal Settlements Programme.

**Content: Housing options**

- 8.1.4. Housing consumers must be educated about the various housing opportunities that exist in detail to secure access to accommodation as well as the responsibilities attached to every housing opportunity. This will ensure that housing consumers will be able to make informed choices in terms of the type of accommodation tenure they would like to secure.
- 8.1.5. The various housing opportunities should be explained at a minimum as it relates to:
- 8.1.5.1. Difference between housing opportunities that are provided through government assistance and housing opportunities provided in the private sector.
  - 8.1.5.2. The importance of proximity to social, economic, and educational amenities in choosing the location of the housing opportunity.
  - 8.1.5.3. Different types of financial assistance that are available as it relates to various housing opportunities.
  - 8.1.5.4. Different types of associated costs, irrespective of how the housing opportunity is delivered.
  - 8.1.5.5. Different role-players and stakeholders involved in the delivery of housing opportunities in the government and private sectors as well as the responsibilities of each role-player and stakeholder.

**Content: Finance and savings**

- 8.1.6. For those housing consumers, potential and qualifying beneficiaries who do not fall within the minimum income criteria for fully subsidised housing opportunities, but would potentially qualify for a credit-linked housing

subsidy or a fully privately accessed bonded housing opportunity, the content should be at a minimum educate housing consumers about:

- 8.1.6.1. How to access a bond.
  - 8.1.6.2. How to service a bond.
  - 8.1.6.3. Associated costs in accessing and securing a bond.
  - 8.1.6.4. Loan conditions.
  - 8.1.6.5. What to do and when to do it when one is unable to repay a bond.
  - 8.1.6.6. How to manage the risks as a homeowner.
  - 8.1.6.7. The importance of homeowners insurance.
  - 8.1.6.8. Financial assessments and creditworthiness credit worthiness.
  - 8.1.6.9. Difference between buying a fully completed house and building a house under bond.
  - 8.1.6.10. Basic financial literacy concerning the upkeep of their housing products and associated costs.
  - 8.1.6.11. Transferring of ownership and title deeds.
- 8.1.7. All housing consumers should be educated to budget, save and pay for municipal rates and taxes, sanitation, water, and electricity.
- 8.1.8. All housing consumers should be educated to establish a maintenance or savings plan to upkeep and maintain their properties.

**Content: Tenure options**

- 8.1.9. Access to a title is a fundamental principle of national housing policy. Security of tenure serves as a foundation for future individual and public investment. The content should at a minimum educate housing consumers about:
- 8.1.9.1. Different tenure options that are available in the housing market.
  - 8.1.9.2. The advantages and disadvantages of every tenure option.

**Content: National Home Builders Registration Council Warranty Scheme**

- 8.1.10. All housing consumers should be educated on the National Home Builders Registration Council Warranty Scheme about, at a minimum:
- 8.1.10.1. The purpose of the scheme.
  - 8.1.10.2. The obligations of the National Home Builders Registration Council.
  - 8.1.10.3. The obligations of the homeowner.
  - 8.1.10.4. Important timelines and how to claim from the scheme.
  - 8.1.10.5. What the scheme warrants, i.e., what is covered under the scheme and what is not covered under the scheme.
  - 8.1.10.6. Complaints procedure.

**Content: Water, energy, sanitation, health and hygiene**

- 8.1.11. Housing consumers should be educated about, as a minimum, about:
- 8.1.11.1. Safe water use, treatment, and health.
  - 8.1.11.2. Safe disposal of household waste.
  - 8.1.11.3. Basic waterborne and waste-borne diseases.
  - 8.1.11.4. Correct use and disposal of sanitation systems and human waste.
  - 8.1.11.5. Recycling of household waste products.
  - 8.1.11.6. Correct use of alternative energy products like gas, wood, and coal.

**Content: Specific to innovative and/or alternative building technologies**

- 8.1.12. The Innovate Building Technologies license holder must include a housing consumer education and awareness plan as it pertains to innovative

building technologies at the bidding stage to ensure that social acceptability is obtained even before the project commences.

- 8.1.13. The Innovate Building Technologies license holder must provide a community service plan for maintenance for each residential project and the innovative building system, which will ensure the general maintenance and additions, will be provided for the post-construction phase, according to an agreed-upon period.
- 8.1.14. The Innovate Building Technologies license holder must develop a strategy on how the maintenance of innovative building technologies should occur and must include:
  - 8.1.14.1. Each beneficiary must receive a proper maintenance manual, of which the beneficiary must be workshopped on before handover, clarifying the processes to be followed for maintaining (rectifying defects, replacing materials, and adding onto) a home of innovative building technologies.
  - 8.1.14.2. An additional warranty coverage must be provided by the Innovate Building Technologies license/certificate holder over and above the warranty and latent defects liability period of the National Home Builders Registration Council.
  - 8.1.14.3. The Innovate Building Technologies license holder/system owner must provide a sustainable disposal plan for materials to be recycled or reused and must train beneficiaries accordingly.
  - 8.1.14.4. An invitation must be sent out to the relevant stakeholders which are (Municipality, Provincial Department, qualified beneficiaries, and the National Home Builders Registration Council) to form part of the housing consumer awareness or education awareness training, a venue, time, and date must be indicated on the invite.
  - 8.1.14.5. The contact numbers and email addresses of the person who is inviting the relevant stakeholders must be indicated on the

invitation so that stakeholders can call if they have questions or if they want to confirm their attendance.

**Content: Human Settlements Ombudsman**

8.1.15. Homeowners, consumers, and potential and qualifying beneficiaries should be provided with minimum information regarding the Human Settlements Ombudsman as follows:

8.1.15.1. Type of disputes that can be submitted to the Human Settlements Ombudsman.

8.1.15.2. How to access to Human Settlements Ombudsman.

8.1.15.3. Where to obtain dispute forms that must be used to submit disputes to the Human Settlements Ombudsman.

8.1.15.4. Process of submitting disputes to the Human Settlements Ombudsman.

8.1.15.5. Contact details of the Human Settlements Ombudsman.

**8.2. Housing consumer education delivery**

8.2.1. Housing consumer education takes place as follows:

8.2.1.1. General housing consumer education to all homeowners and prospective homeowners.

8.2.1.2. Project-specific housing consumer education takes place:

8.2.1.2.1. Before the project commence.

8.2.1.2.2. During the construction phase of the project.

8.2.1.2.3. After the close-out of the project.

8.2.2. The Directorate responsible for housing consumer education will invite communities, homeowners, housing consumers, and potential and qualifying beneficiaries to housing consumer education sessions, of which invitations should include as a minimum:



- 8.2.2.1. Date and time of the housing consumer education session.
  - 8.2.2.2. The venue of the housing consumer education session.
  - 8.2.2.3. The contact details of the contact person for enquiries/clarity.
  - 8.2.2.4. Procedure to confirm attendance.
- 8.2.3. The delivery mode of invitations can be done through the most applicable communication mediums, singular or in combination, through:
- 8.2.3.1. Letters.
  - 8.2.3.2. Posters.
  - 8.2.3.3. Pamphlets.
  - 8.2.3.4. Leaflets.
  - 8.2.3.5. Flyers.
  - 8.2.3.6. Social media such as Facebook, Instagram, WhatsApp and Twitter.
  - 8.2.3.7. Radio.
  - 8.2.3.8. Newspapers.
  - 8.2.3.9. Loud hailers.
  - 8.2.3.10. Local Municipalities.
  - 8.2.3.11. Implementing agents.
- 8.2.4. All housing consumer education sessions should have an attendance register and the proceedings should be minuted.
- 8.3. Housing consumer education monitoring and evaluation**
- 8.3.1. The provincial Department of Human Settlements should generate quarterly and annual reports on the housing consumer education sessions that took place and the number of housing consumers, and potential and qualifying beneficiaries that were reached through the outreach programme/s, which reports are submitted to the relevant platforms.
  - 8.3.2. The provincial Department of Human Settlements should ensure that regular surveys are conducted about the general delivery of housing

consumer education as well as surveys for the delivery of project-specific housing consumer education. These surveys can be done at least once a year to evaluate the delivery of housing consumer education.

## 9. EFFECTIVE DATE OF THE GUIDELINE


The Guidelines for Implementing Human Settlements Consumer Education shall come into effect from the date of approval.

## 10. GUIDELINE REVIEW

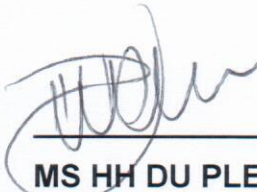
The Guidelines for Implementing Human Settlements Consumer Education will be reviewed as and when changes are made in national legislation about housing consumer education.

## 11. APPROVAL

### *Policy Developers:*

  
\_\_\_\_\_  
**MS KV MALOKA**  
**DEPUTY DIRECTOR:**  
**HUMAN SETTLEMENTS**  
**POLICY DEVELOPMENT**

6/09/2022.  
**DATE**

  
\_\_\_\_\_  
**MS HH DU PLESSIS**  
**DIRECTOR:**  
**HUMAN SETTLEMENTS**  
**RESEARCH AND POLICY**  
**DEVELOPMENT**

6/9/2022.  
**DATE**

### *Recommendation:*




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**MR T PHETLHU**  
**HUMAN SETTLEMENTS PLANNING**  
**AND STAKEHOLDER MANAGEMENT**

13/09/2022  
**DATE**

***Recommendation:***




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**MR JK MASHIGO**  
**ACTING HEAD OF DEPARTMENT**

26/09/2022  
**DATE**

***Approval:***



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**MEC L MIGA**  
**COOPERATIVE GOVERNANCE,**  
**HUMAN SETTLEMENTS AND**  
**TRADITIONAL AFFAIRS**

29/09/2022  
**DATE**

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