

POLICY : HOUSING ASSISTANCE IN URGENT HOUSING SITUATIONS (UHS)

Item B-HD (52-2003)
MC 14.08.2003

NATIONAL HOUSING CODE : CHAPTER 12 : HOUSING ASSISTANCE IN URGENT HOUSING SITUATIONS (UHS)

RESOLVED:

1. **That** the report in respect of the new (draft) policy that deals with the rules for exceptional urgent housing situations, attached as **Annexure 'A'** to the report **BE NOTED**.
2. **That** the policy referred to in (1) above **BE ACCEPTED IN PRINCIPLE** and after final approval of the document by MINMEC, the Policy **BE IMPLEMENTED** by Council in cases where applicable.

NATIONAL DEPARTMENT OF HOUSING

DEVELOPMENT OF A NATIONAL PROGRAMME FOR HOUSING DEVELOPMENT IN EMERGENCY CIRCUMSTANCES

DRAFT POLICY PRESCRIPTS AND IMPLEMENTATION GUIDELINES

25 JULY 2003

(Version 05)

Prepared by:

Africon Engineering International in association with Kayamandi and
Nigel Mandy
PO Box 905
PRETORIA
0001

Contact Person:

Mr Cilliers van der Merwe
Ms Annelie Bouwer
Tel: (012) 427-2459
Fax: (012) 427-2150
E-mail: annelieb@Africon.co.za

Prepared for:

National Department of Housing

Private Bag X644
Pretoria
0001

Contact Person:

Mr Themba Masimini
Deputy Director : Policy & Strategy Development
Tel: (012) 421-1399
Fax: (012) 421-1354
E-mail: themba@housepta.pwv.gov.za

PART 3: NATIONAL HOUSING PROGRAMMES:

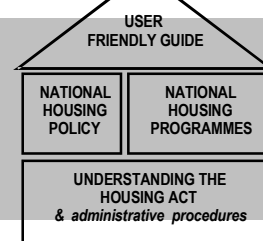
CHAPTER 12: HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS

NATIONAL DEPARTMENT OF HOUSING.....	2
DEVELOPMENT OF A NATIONAL PROGRAMME FOR HOUSING DEVELOPMENT IN EMERGENCY CIRCUMSTANCES.....	2
25 JULY 2003.....	2
PART ONE: POLICY.....	5
12.1 OVERVIEW.....	5
12.2 POLICY INTENT.....	6
12.2.1 Objectives of the Programme.....	6
12.2.2 Principles of the Programme.....	7
12.3 APPLICATION OF THE PROGRAMME.....	8
12.3.1 Definition of Emergency Housing Situations.....	8
12.3.2 Eligibility.....	8
12.3.3 The Fund for Emergency Housing Situations.....	9
12.3.4 Use of the Grant.....	9
12.3.5 Categories of Emergency Housing Situations.....	12
12.3.6 Norms and Standards in respect of Emergency Housing Provision.....	15
12.3.7 Variations.....	17
12.3.8 Land Acquisition.....	18
12.3.9 Planning and Township Establishment.....	18
12.3.10 Procurement of Housing Goods and Services.....	19
12.3.11 Local Project Co-ordination.....	20
12.4 INSTITUTIONAL ARRANGEMENTS.....	20
12.4.1 Municipalities.....	22
12.4.2 Provincial Housing Departments.....	23
12.4.3 The National Department of Housing.....	24
12.4.4 Other Role players.....	25
12.5 FUNDING FOR PROJECTS TO ADDRESS EMERGENCY HOUSING SITUATIONS.....	26
12.5.1 Funding for Projects.....	26
12.5.2 Grants.....	27
12.5.3 The Amount of the Grant.....	27
PART TWO: GUIDELINES AND RULES FOR IMPLEMENTATION.....	29
12.6 ELIGIBILITY AND OTHER CONDITIONS FOR EMERGENCY HOUSING PROJECTS	29
12.6.1 Project Procedures and Rules.....	29
12.6.2 Financial Assistance in Applying.....	30
12.6.3 How to apply for funding.....	31
12.6.4 Function of the Emergency Housing Steering Committee in Assessing Applications.....	32
12.6.5 How the Emergency Housing Steering Committee Judges.....	32
12.6.6 After Approval of the Emergency Housing Situation Project.....	33
12.6.7 Refunding.....	38
12.6.8 Key points to remember.....	38

ANNEXURES

ANNEXURE APPLICATION FORM: HOUSING ASSISTANCE IN EXCEPTIONAL EMERGENCY HOUSING SITUATIONS	A
ANNEXURE TYPICAL COST BREAKDOWN	B
ANNEXURE GUIDELINES ON ACCELERATED LAND PLANNING AND TOWNSHIP ESTABLISHMENT PROCEDURES	C
ANNEXURE GENERAL PROCEDURES ON LOCAL PROJECT CO-ORDINATION	D

CHAPTER 12: HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS



This Chapter deals with the rules for emergency housing situations. These rules relate to assistance to people who, for reasons beyond their control, find themselves in an emergency housing situation such as the fact that their existing shelter has been destroyed or damaged, their prevailing situation poses an immediate threat to their life, health and safety, or they have been evicted, or face the threat of imminent eviction. The assistance provided consists of funds in the form of grants to municipalities to give effect to accelerated land development, the provision of basic municipal engineering services and shelter. The assistance provided falls short of formal housing as provided for in other Programmes of the Housing Subsidy Scheme contained in the Housing Code, and is thus rendered only in emergency situations of exceptional housing need.

Part One: Policy

12.1 Overview

The Government's primary housing objective is to undertake housing development, which section 1 of the Housing Act, No. 107 of 1997 ("the Housing Act") defines as being "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, educational 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 existing national housing programmes have been based on this objective and the principles embodied therein.

Despite the provision of more than 1.5 million houses since 1994, the backlog has continued to grow. Because of fiscal constraints and delivery capacity, the Government has accepted that it can only accomplish the delivery of housing to all in need on a progressive basis. This takes place within a structured programme based on priorities, fiscal constraints and achievable time frames.

Events, such as the severe floods in Limpopo Province in 2000 and the landmark judgment of the Constitutional Court in the *Irene Grootboom*¹ case, led Housing: MINMEC on 5 November, 2001 to authorise the development of a National Housing Programme to expedite action in order to relieve the plight of persons in emergency situations with exceptional housing needs.

¹ *Government of Republic of South Africa and Others v. Grootboom and Others*, 2002(1) SA 46 (CC)

The Constitutional Court's judgment in the *Grootboom* case considered section 26 of the Constitution, which provides that everyone has the right to have access to adequate housing, and that the State must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right. **The case concerned people in conditions of desperate need, whose immediate needs could be met only by relief which fell short of the above definition of housing development.** The Court found that sections 26 and 28 of the Constitution did not require the State to do more than its available resources permitted, and that they did not entitle anyone to claim shelter or housing immediately on demand. However, the Court found that the current definition of housing development and the programmes formulated there under, do not satisfy the requirements of the Constitution. The judgement furthermore suggested that a reasonable part of the national budget be devoted to providing relief for those in desperate need, but the precise allocation was for National Government to devise.

Consequently, this Programme is instituted in terms of section 3(4) (g) of the Housing Act, 1997, and will be referred to as the Programme for Housing Assistance in Emergency Housing Situations. Essentially, the objective is to provide for temporary relief to people in urban and rural areas who find themselves in emergencies as defined and described in this Chapter.

Assistance takes the form of grants from the National Department of Housing to municipalities to enable them to respond rapidly to emergencies by means of the provision of land, municipal services infrastructure, and shelter. It includes the possible relocation and resettlement of people on a voluntary and co-operative basis in appropriate cases.

This Chapter describes and provides guidelines and rules about the steps to be taken when a situation arises which necessitates an application for assistance. In short, it pertains to:

- The role of the municipality in whose area of jurisdiction the situation arose. It must apply via the provincial government's department of housing to an Emergency Housing Steering Committee (EHSC) in the National Department of Housing, chaired by the Director General of the Department.
- The role of the provincial department of housing. It will guide, assist and collaborate with municipalities in the preparation and submission of applications and in the implementation of projects and also coordinate actions with any disaster initiatives as well as with the actions of other role players in an approved project.
- The policy directives and the implementation guidelines for the Programme.

12.2 Policy Intent

12.2.1 Objectives of the Programme

The main objective of this Programme 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 situations of exceptional housing need through the allocation of grants to municipalities instead of housing subsidies to individuals.

This is to be addressed by using an appropriate development framework to address the above situations, through:

- A dedicated funding framework to provide funds for initiatives under this Programme. This may include considering superstructure insurance for subsidised housing.
- An appropriate institutional, decision-making and management framework for the Programme.
- Pro-active planning measures, especially in respect of the availability of land and the provision of municipal engineering services.

- Land access processes appropriate to the situation with due regard to municipal integrated development planning.
- Streamlined land development planning and design phases.
- Providing appropriate and clear rules and procedures applicable to this Programme, regarding the allocation of funding, the application of national norms and standards and the need to deviate where necessary, also the linkages to other programmes, such as the place and function of the Programme in cases of officially declared disasters.

12.2.2 Principles of the Programme

The following principles are applicable to the Programme:

- Assistance to be provided under this Programme will only constitute the provision of temporary aid and be of a temporary nature. The one exception would be assistance with the repair or reconstruction of damage to permanent formal housing not covered by superstructure insurance.
- Assistance will be limited to absolute essentials. It will not seek to provide housing or engineering services commensurate with those that might have been previously enjoyed.
- The national norms and standards contained in Annexure A to Chapter 3 of Part 2 of the National Housing Code shall not apply to this Programme with regard to temporary aid.
- A grant approved under this Programme 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, for example the acquisition of land which is later to be used for permanent settlement and/or any engineering services installed, that will also service permanent townships.
- This Programme does not replace any other programmes of the National Department of Housing or any other National Department. With effect from the date of implementation of the Programme contained in this Chapter will take preference over any existing provincial and municipal programmes relating to emergency housing assistance. Such programmes must be brought into conformity with this Programme.
- This Programme serves to augment and supplement existing programmes: for instance, in the case of an officially declared disaster, interaction will occur with the disaster management structure in order to augment and supplement situations of exceptional housing emergency, this will in no way replace any of the functions performed by the disaster management structure, e.g., the provision of tents where necessary or the supply of water by means of tankers, etc.
- This Programme may not be employed to substitute normal planning and projects, with the subsequent so called “queue jumping” of any priority planning, approved and communicated projects, relating to the provision of housing and under no circumstances may the application of this Programme be justified to fund normal housing development projects, as provided for in the other chapters of the National Housing Code.
- Assistance under this Programme should wherever possible represent an initial phase towards a permanent housing solution.
- Where it is not possible to provide assistance at a place and in a manner that represents the initial phase towards a permanent housing solution, assistance under this Programme can be provided through the development of a temporary settlement area where feasible or practicable, while steps are being taken to prepare and develop land for permanent settlement purposes in terms of approved municipal Integrated Development Plans (IDP) and development priorities.
- Where the resettlement of families is required, the alternative location where feasible and practicable should be as close as possible to the existing one and be undertaken within the framework of the approved municipal Integrated Development Plan.
- The provision of access to land and secure tenure, basic municipal engineering services, shelter and the reconstruction and repair of damaged housing in terms of this Programme, will be in the form and adhere to the standards as described in this Chapter.
- Procurement procedures must be fair, equitable and transparent; for the acquisition of housing goods and services; and the guidelines of the Preferential Policy Framework Act, 2000 (Act No. 5 of 2000), must be followed.

- Pending national legislation, municipalities must employ their current legislation authorising the waiver of tenders and the introduction of replacement procedures appropriate for use in emergency housing situations.
- Beneficiaries of the Programme can include persons that do not comply with the requirements of Part 3, Chapter 2 of the National Housing Code.
- Situations which may qualify for consideration of assistance under this Programme should be given expeditious treatment.

12.3 Application of the Programme

12.3.1 Definition of Emergency Housing Situations

This Programme will apply to emergency situations of exceptional housing need, such situations being referred to as “Emergencies”, as defined below:

An Emergency exists when the Emergency Housing Steering Committee on application by a municipality and or the province deems that persons affected,

a. Owing to situations beyond their control:

- have become homeless as a result of a declared state of disaster, where assistance is required, including cases where initial remedial measures have been taken in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) by government, to alleviate the immediate crisis situation;
- have become homeless as a result of a situation which is not declared as a disaster, but destitution is caused by extraordinary occurrences such as floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents;
- live in dangerous conditions such as on land being prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes and who require emergency assistance;
- live in the way of engineering services or proposed services such as those for water, sewerage, power, roads or railways, or in reserves established for any such purposes and who require emergency assistance;
- are evicted or threatened with imminent eviction from land or from unsafe buildings, or situations where pro-active steps ought to be taken to forestall such consequences;
- whose homes are demolished or threatened with imminent demolition, or situations where proactive steps ought to be taken to forestall such consequences; or
- are displaced or threatened with imminent displacement as a result of a state of civil conflict or unrest, or situations where pro-active steps ought to be taken to forestall such consequences;
- live in conditions that pose immediate threats to life, health and safety and require emergency assistance.

b. Are in a situation of exceptional housing need, which constitutes an Emergency that can reasonably be addressed only by resettlement or other appropriate assistance, in terms of this Programme.

12.3.2 Eligibility

Only one criterion needs to be fulfilled in order for affected persons, to qualify for assistance under this Programme.

The Programme will benefit all affected persons who are not in a position to address their housing emergency from their own resources or from other sources such as the proceeds of superstructure insurance policies.

The normal standard qualification criteria contained in Part 3, Chapter 2 of the National Housing Code will not apply, in that assistance under the Programme may also be allowed in the following categories, where appropriate and justified:

- households with monthly income exceeding R3 500;
- non-lawful residents, subject to consultation with the Department of Home Affairs and to compliance with its requirements regarding continued occupancy;
- minors heading households, who are not competent to contract, and where the municipality will grant occupation rights in appropriate conditions;
- persons without dependants;
- persons who are not first-time home owners; and
- persons who have previously received housing assistance.

Consequently searches against property registers will only be required when assistance is to be given for repair or reconstruction of damage to permanent formal housing. Persons requiring temporary assistance under this Programme may subsequently apply for subsidies for permanent housing only if they meet the standard qualification criteria, contained in Chapter 2 of this part of the National Housing Code and with due regard to priority planning and allocations.

12.3.3 The Fund for Emergency Housing Situations

In terms of section 12.5 of this part of the Code

- a dedicated housing fund ("the Fund") will be established for this Programme within the budget of the National Department of Housing under the control of the Director General, to render financial assistance in the form of grants under this Programme; and
- a committee will be established in the National Department of Housing to consider applications for assistance in terms of this Chapter. Applications for assistance must be submitted to this Emergency Housing Steering Committee (EHSC).

12.3.4 Use of the Grant

12.3.4.1 Activities covered by the Grant

Subject to the rules of this Programme, assistance in the form of grants to address Emergencies, will be made from the Fund to a municipality via the provincial government concerned in the form of a transfer payment for any one or more of the following activities in order to achieve the objectives of the Programme:

- a. Assistance to Municipalities to compile project applications.
- b. The purchase of land where the municipality has no alternative land in ownership;
- c. Settlement planning;
- d. Basic municipal engineering services design;
- e. Land surveying;

f. The provision of basic municipal engineering services as provided for in this Chapter;

- g. The construction of temporary shelter or supply of materials for the construction thereof;
- h. The relocation and resettlement of affected people who qualify for assistance under the Programme and who are compelled, due to circumstances beyond their control, to relocate or resettle to an approved area;
- i. Repair and/or reconstruction of existing damaged formal housing as well as related municipal engineering services, where required. In instances where internal reticulation services have also been damaged, the rehabilitation and repair of such services should be funded from alternative funding resources such as the Consolidated Municipal Infrastructure Programme (CMIP). Where no alternative funding is available the rehabilitation of such services could be financed under this Programme; and
- j. The procurement of any housing goods, services or materials, in terms of the Programme directives, or in the process of achieving any one or more of the activities set out above.

12.3.4.2 Activities not covered by the Grant

The Fund may not be used for the following:

- a. Rental payments for land;
- b. Any bulk and connector engineering services in existing developments that were damaged or where the rehabilitation of such infrastructure is required or where new bulk and connector services are required to address Emergencies. Applications for funding can be made in terms of the Consolidated Municipal Infrastructure Programme which is administered by the Department of Provincial and Local Government for this purpose;
- c. Normal housing products in terms of project-linked subsidies or otherwise;
- d. Any litigation;
- e. Street lighting and electrical services, except that the provision of high-mast lighting could be considered in special circumstances;
- f. Refuse removal;
- g. Any operation, maintenance and management costs of developments; and
- h. Any other aspect provided for under another assistance programme of government, except where assistance from such programme is not available or appropriate;
- i. The repair of dams, boreholes, pumps and reticulation, the delivery of water supplies by tanker and the drilling and equipping of new boreholes, which will primarily be the responsibility of the municipality, water services authority or provider. The need for possible additional water and sanitation services provision under this Programme will need to be properly motivated and coordinated through the municipality.
- j. The repair of eroded access roads which will normally be the responsibility of the municipality authority.

12.3.5 Categories of Emergency Housing Situations

12.3.5.1 Description of different Emergency Housing Situations

The circumstances of Emergencies, as described in Table 1 below, will determine the form of relief to be provided in terms of land acquisition, settlement planning, the norms and standards in relation to the provision of basic municipal engineering services and/or shelter, the repair or rebuilding of damaged formal housing, or other assistance that may be required.

Table 1: Description of categories of emergency housing situations justifying assistance

	SITUATION CATEGORY		EMERGENCY HOUSING SITUATION	EXAMPLES
(1) EMERGENCY HOUSING SITUATION WITH PERMANENT SETTLEMENT HORIZON	(1)	Permanent Settlement Solution.	A permanent housing solution is not currently possible because of commitments and funding priorities.	
		Temporary on-site assistance. No relocation required.	The existing settlement land is suitable for permanent housing development purposes later on. In situ upgrading can occur. Temporary housing assistance can be provided on the land, as a first phase towards permanent housing development.	For example, a settlement devastated by fire or storms where living conditions have deteriorated to such an extent that they are intolerable and poses a major threat to the health and safety of affected persons and surrounding areas.
		Relocation to a permanent location with assistance on a temporary basis.	This includes a situation where affected households or persons need to be relocated from the land occupied and where the land to be resettled upon is suitable and available for this purpose and eventual permanent housing development.	For example, 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.
		Temporary assistance through resettlement to an existing developed area.	The situation is the same as in (1.2) above i.t.o relocation. The land identified for resettlement purposes includes land that forms part of an existing development and 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.	The nature of events causing this situation will be the same as in the cases described above, whilst the developed land identified for resettlement can include existing vacant serviced or unserviced erven, within townships and which have not been allocated for occupation or transfer to others.
(2) EXISTING FORMAL HOUSING	(2)	Permanent Formal Housing to be repaired or rebuilt.	Houses damaged or destroyed, to be repaired or rebuilt on the existing site or on a new serviced site for resettlement.	For example, events such as severe floods, fire, wind earthquakes or other occurrences that destroyed or caused damage to such housing to the extent that living conditions are intolerable but where the housing can be repaired or reconstructed on site. It can also include a situation where because of events such as the failure of a dam wall, the area has become unsafe for further occupation and where housing need to be reconstructed at another site.

	SITUATION CATEGORY		EMERGENCY HOUSING SITUATION	EXAMPLES
(3) TEMPORARY SETTLEMENT	(3)	Temporary Settlement Solution.	Land is available only for temporary settlement purposes.	
		Assistance with relocation to temporary settlement area. To be relocated again, once a permanent housing solution is possible.	<p>People are settled on land and/or in building(s) that can no longer be used for settlement purposes either temporarily or permanently.</p> <p>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 uninhabitable, for a significant period of time.</p>	For example, situations caused by severe frequent flooding, failure of a dam wall, eviction from land or unsafe buildings, civil unrest where people are forced to vacate the land.
	(3.2)	Temporary assistance on site. Resettlement later on, to a permanent temporary settlement area.	This includes a situation where the affected land settled upon renders itself for temporary use only. Eventual relocation is necessary, but cannot be done currently because of other commitments and planning priorities. Temporary housing assistance can be provided on the site until land and other resources for permanent housing development become available.	<p>For example:</p> <ul style="list-style-type: none"> Where the settlement land is dolomitic land, classified as unsuitable for permanent development, but where through application of technical or other mitigating measures, it could for period of time be used for temporary settlement only. Land where the settlement area has been destroyed by severe fire or heavy rain and where it can only be used for temporary settlement purposes.
	(3.3)	Temporary assistance with resettlement to a permanent temporary settlement area.	Same as for category (3.1) except that the municipality has established or wishes to establish a permanent temporary settlement area.	This includes a situation where affected persons need to resettle and where the only alternative available, includes land to be developed as a permanent temporary settlement area. The development will have a more permanent status, but occupants will only stay on a temporary basis, until permanent housing at another location becomes available.

12.3.5.2 Rules Relating to the Categories

a. **Category (1): Permanent Settlement Solution**

Under these circumstances, temporary relief will be provided on a site where permanent housing by means of another programme will be possible. It can include provision of assistance at the current site, or on a new site where persons are resettled. This can also include assistance within an existing developed area.

- Funds spent will constitute temporary assistance which does not qualify for consideration in the granting of subsidies in terms of the current Housing Subsidy Scheme, except to the extent to which it contributes materially to the future permanent housing solution for the beneficiary.
- The land settled upon must be suitable and available for eventual permanent housing development and should be secured for such purpose.
- Proper permanent planning and surveying taking cognisance of the requirements for permanent housing development should be conducted.
- The provision of basic municipal engineering services should be planned and designed in such a manner that they could be shared initially, as described in Section 12.3.6 of this Chapter, but can be extended and upgraded later on to service future permanent housing development.
- Temporary shelter must be provided either in the form of assistance through provision of building materials and/or assistance with the construction of shelter.
- In respect of category (1.3) – resettlement to an existing developed area – such an approach can only be adopted in situations where its implementation will not adversely affect other development priorities and needs.
- The municipality must ensure proper settlement management.

- The municipality must ensure that persons receive land tenure rights by way of agreement and that provision is made (subject to the applicable policy for assistance to indigent persons) for payment of rent and municipal services.
- Variations to the amount of the grant to accommodate extraordinary and other development conditions as described in Sections 12.3.7 and 12.5 of this Chapter will apply.

b. Category (2): Permanent formal housing to be repaired or rebuilt

- Assistance will not be provided in cases where superstructures are covered by insurance. The municipality must 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 other housing which has been damaged or destroyed in situations described in Section 12.3.1 hereof. The assistance to be provided under the Programme will remain standard.
- Heads of affected households who benefit under this programme will be recorded on the National Housing Subsidy Database as beneficiaries of the housing subsidy scheme, irrespective of the amount of the grant provided for repair work or for reconstruction.
- Housing, must as a first resort, be repaired or reconstructed on site. Assistance would be provided in respect of one house per current site in formal townships. In areas outside formal townships, such as rural areas where persons may only enjoy functional land tenure rights to the land they occupy or in communal land areas, assistance may be provided in respect of one house per affected household.
- Ownership and/or security of tenure, as contemplated by the Housing Subsidy Scheme, are a precondition for assistance in this Category (2). Where registered ownership is not possible, the affected households' occupation of the land must at least be uncontested and be protected in terms of the provisions of the Interim Protection of Land Rights Act, 1996 (Act No. 31 of 1996). The rules of Chapter 11 of this Part of the National Housing Code will apply with respect to the land rights and confirmation thereof including the approval of the Minister of Land Affairs for any housing provision initiatives.
- In areas with dispersed settlements and widespread individual units, housing assistance may be provided within the framework of the current settlement pattern.
- Assistance with the cost of 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, namely R15 000 irrespective of the income of the beneficiary.
- Where the municipal engineering services have also been damaged and other funds are not available to repair or reconstruct them, it may, as a last resort, be repaired or reconstructed under this Programme. The superstructure and engineering services can then be repaired or reconstructed at the current or another site, as the case may be, irrespective of the income of the beneficiary, to the amount of the actual costs up to the maximum standard housing subsidy currently at R25 580.
- Regardless of any extensions or improvements which may have been made to the property, assistance will be limited to either of the above amounts which may be adjusted from time to time.
- A decision as to the most suitable approach to the repair of damaged houses in a certain area must be taken in consultation with the affected households.
- In the case of subsidised housing, where the owner has added improvements, those will not be repaired as part of this Programme.
- Where abnormal development conditions warrant additional expenditure, variation of the product cost could be allowed as described in Sections 12.3.7 and 12.5 of this Chapter.

c. Category (3): Temporary Settlement Solution

- In these circumstances affected persons can only be provided with temporary relief on land where housing, on a permanent basis cannot be provided later on. Should they receive assistance at a later stage under another government programme, relocation to a permanent settlement area will be necessary. 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, when all the families temporarily occupying the land, have received assistance under other programmes, provided that this need not be done in cases of permanent, temporary settlement areas.
- The settlement layout and engineering services must not be designed for upgrading, but the layout must allow for access by utility, emergency, and similar vehicles.
- Basic layout planning can be conducted, allowing for settlement densities higher than normal, to accommodate several households per stand.
- Only basic municipal engineering services must be provided and the principle that such services must be shared, as far as possible, to save costs, must be pursued.
- Land surveying and/or pegging of stands will not be required.
- The necessary land use planning and environmental approvals must be obtained as described in Section 12.3.9 of this Chapter. Geotechnical investigations may be conducted by way of a scoping study, or as may be required in terms of the land use planning legislation to be used, to obtain the necessary approvals.
- The municipality must ensure proper settlement management.
- The municipality must ensure that the persons receive tenure in the form of lease agreements, which must also (subject to the applicable policy for assistance to indigent persons) provide for payment of rent and municipal services.
- Only those municipal engineering services that are not already available, will be provided, e.g. where a site already has access to municipal engineering services envisaged under this Programme, funds will not be provided for additional or improved services.
- Standardised assistance will be provided regardless of whether or not households already have some building materials for shelters.
- This approach is one of last resort, to be adopted only if no other course is feasible or practical.
- In respect of sub-category (3.3), namely resettlement to a permanent temporary settlement area, funds spent will constitute temporary assistance. This will not qualify for consideration in the granting of subsidies later on.
- Where extraordinary development conditions warrant additional expenditure, variation of the grant amount could be allowed as described in Section 12.3.7 and 12.5 of this Chapter.

12.3.6 Norms and Standards in respect of Emergency Housing Provision

a. Municipal Engineering Services in Temporary Settlement Areas

- The National Norms and Standards in respect of permanent residential structures contained in Annexure A to Chapter 3 of Part 2 of the Housing Code, shall not apply to the implementation of this Programme. 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 engineering services that can be funded from the grant are limited to water services, sanitation services, access roads and open lined storm water systems, all provided on a shared basis in a dense settlement pattern, as indicated in Table 2 below.

Table 2: Guidelines on maximum level of basic engineering services to be provided

TYPE OF SERVICE	MAXIMUM LEVEL OF MUNICIPAL ENGINEERING SERVICES IN THE CASE OF TEMPORARY SETTLEMENTS
Water	The provision of access to a water point or tap for every 25 families must be provided. The waterlines must be usable in a permanent configuration or layout in situations where future upgrading is envisaged as a first option towards a permanent housing situation.
Sanitation	<p>i. Temporary sanitary facilities must be provided. Due to varying geographical and similar conditions, facilities to be provided may vary from area to area. Where conditions permit the use of Ventilated Improved Pit Latrines (VIP toilets) must be provided as a first option. The Municipality must therefore ensure that the system employed is suitable for the particular conditions.</p> <p>ii. An acceptable standard will be one VIP toilet per five families. Cost should be estimated per family on a shared basis in the suggested dense settlement pattern. In circumstances where soil and other site conditions do not allow for the use of VIP toilets, alternative systems must be investigated. Introducing small bore sewerage or other appropriate system, to be used on a shared basis with one toilet per five families, in the suggested settlement pattern could be provided.</p>
Access, Roads, and Storm water	A main access road and open lined storm water management system must be provided. Internal roads must be formed by use of vehicles only. All shelters will not necessarily have vehicle access. Settlement layouts must provide for access of utility vehicles such as ambulance and fire services.
Electricity	This Programme will only fund the provision of high-mast lighting in special circumstances.

b. Damaged municipal engineering services in permanent formal housing areas

- In the case of damage to engineering services of existing subsidised housing, where no other funding is available, consideration could be given to the funding of repairs, in accordance with the original approved project design and construction specifications.
- In the case of damage to engineering services requiring the reconstruction or provision thereof at another site, the National Norms and Standards contained in Annexure A to Chapter 3 of Part 2 of the National Housing Code will apply.

c. Temporary Shelter

- The National Norms and Standards in respect of permanent residential structures contained in Annexure A to Chapter 3 of Part 2 of the Housing Code will not apply in temporary settlement areas.
- Temporary shelters should be basic, simple in form and easy to construct. The structural design should provide the strength, stability, and durability for the anticipated life-span of the shelter, providing basic shelter against the elements. Subject to further investigation by the Department, the floor area of a shelter should be at least 24m².
- Temporary shelter should be appropriate for the specific environment and as far as possible be acceptable to beneficiaries.
- 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 in respect of permanent residential structures, applicable to the Housing Subsidy Scheme as contained in Section 2.5.2 of Chapter 3 of the National Housing Code.

- Shelters can be provided through the supply of materials to beneficiaries on site to construct their own shelter or to be constructed depending on the exceptional nature of the situation. Subject to further investigation by the Department, the preferred option for the provision of shelter includes the supply of prefabricated units which could be erected on site and that could after being used, be dismantled and stored for re-use. No tented structure will be provided under this Programme.
- Where beneficiaries have provided their own materials, advice and assistance can be provided with the construction of the shelters.

d. Damaged permanent houses

- The repair or replacement of formal superstructures must comply with the National Norms and Standards in respect of Permanent Residential Structures contained in Chapter 2, Section 2.5.2 of the National Housing Code.
- 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 to a maximum of the consolidation subsidy amount of R15 000, as may be amended from time to time.

12.3.7 Variations

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 local or alternative building materials may occur.

a. Variations for temporary settlement areas

- For the purpose of accommodating any extraordinary development condition, a variation of up to a maximum of 15% on the total grant amount to be allowed per grant could be considered. The actual variation must be based on professional assessment confirming the relevant conditions and must be costed in terms of minimum precautions recommended by the professional.
- Deviations from the guideline norms and standards and variations allowed as indicated above, need to be fully motivated. For instance:
- the use of timber or wood houses in dense temporary settlement areas cannot be considered, whilst it could be viable in certain more dispersed situations;
- the use of VIP toilets may not be appropriate in certain situations and an alternative system may therefore be required.
- In the Southern Cape Coastal Condensation area, an additional amount of up to 5% of the total grant amount to be allowed per grant, will apply.
- In respect of Category (1) situations as described in section 12.3.5, Table 1 of this Chapter a variation of 15% on the amount allowed for municipal services per grant, to address additional services costs based on a more permanent settlement layout, could be applied.
- Variation in the price to acquire land based on market related rates.

b. Variations applicable to damaged permanent housing

- For the purpose of accommodating extraordinary development conditions such as geophysical or location factors or a combination thereof, a variation of up to a maximum amount of 15% of the total grant amount to be allowed per grant could be considered based on the guidelines provided in Section 2.4.1.1 of Chapter 2 of Part 3 of the National Housing Code.
- For the purpose of accommodating disabled persons, the disability variation as contained in Section 2.4.2 of Chapter 2 of Part 3 of the National Housing Code will apply.
- In the Southern Cape Coastal Condensation area, an additional amount of R 1004 per grant, will apply.

- An additional variation of up to 5% of the total grant amount could be warranted to cover the cost of the removing of existing damaged structures and building rubble.

c. Additional Funding

- A Municipality may provide additional funding from its own or other resources for upgrading of the above specifications for engineering services and shelters.

12.3.8 Land Acquisition

a. 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. Preference should be given to the acquisition of State owned land. Privately owned land may be acquired as a last resort.

b. State Land

- Through the provincial Land Reform Office (PLRO) of the Department of Land Affairs information may be obtained from that Department's state land inventory data base system, as part of land identification.
- With the PLRO's assistance, the ownership and/or vesting status, tribal authority involvement or other rights to the land, land claims/claimants and rights involved, as well as the most appropriate and expedient course of action to secure State land for emergency housing purposes must be determined.
- In the case of State land under the jurisdiction of a tribal authority/community, the process described in the Interim Procedures Annexure (Appendix I, Part 3, Chapter 11 of the National Housing Code) must be applied before approaching the Minister of Land Affairs. The provincial State Land Disposal Committee ("PSLDC") must first recommend an application of vesting lease or disposal of State land.
- In the case of national state land controlled by the National Public Works Department, consultation with that Department must be routed through the PSLDC.
- In the case of land confirmed, vested or registered in the name of a provincial government or a municipality, its department administering land affairs must be approached to secure such land in accordance with appropriate provincial land administration legislation.

c. Acquisition

- In the case of State land, a request must be made for the land to be made available free of charge, especially in the case of temporary settlement. A land acquisition agreement must be concluded.
- For privately owned land, the price must be based on market-related rates to be established on the basis of the average of three independent valuations by qualified professionals and must be negotiated with the owner and an effort be made to obtain an option to purchase. Failing the achievement of an agreement the expropriation of the required land could be considered in terms of the provisions and procedures required by the Expropriation Act, 1975 (Act No. 63 of 1975).

12.3.9 Planning and Township Establishment

a. For the purpose of housing development in emergency housing situations where land use, planning and township establishment including environmental impact assessments, need to be conducted, accelerated procedures as provided for in different pieces of existing legislation must as far as possible be applied.

b. Any provisions made in terms of such legislation for the full or partial exemption from legal and administrative procedures and other requirements, necessary for the speedy planning, development and occupation of the land, must be implemented in the manner prescribed therein and as contained in the Annexure C to this Chapter. The most appropriate available legislation applicable to the area and the emergency housing situation must be selected. The use of normal procedures as prescribed in existing legislation should only be used as a last resort, since this could cause undue delays with implementation of emergency housing projects.

12.3.10 Procurement of Housing Goods and Services

The contract strategy deployed under this Programme will depend on the specific emergency housing situation and the municipalities will be allowed considerable discretion therein. The following housing services and goods may be required by the municipality:

- Professionals to assist with social surveys and beneficiary registration, legal support, mediation and conflict resolution/services, engineering design and construction supervision, land surveying, town planning, environmental planning, project management, communication facilitation and training, property valuation and or security services.
- The acquisition of land.
- Provision of building materials, to be procured in a number of ways, depending on the nature of the emergency housing situation.
- Contractor services to assist with municipal engineering services installation and or repair, and or the erection of temporary shelters, repair or reconstruction of damaged housing.
- Labour.

a. In all instances acquisition procedures which are fair, equitable, transparent and cost effective must be followed. Decision making must be rational, the reasons for decisions must be recorded, decisions must be reported to the accounting officer of the provincial housing department and must be disclosed on request.

b. In instances where municipalities have defined categories of preference, the Preferential Procurement Policy Act, 2000 (Act No. 5 of 2000) will apply. The preferential procurement policy must be implemented in accordance with the Provisions of SABS 0396: Code of Practice for Implementing Preferential Procurement Policies using targeted procurement policies to ensure that the municipality's socio-economic goals are appropriately defined in requests for quotations and tenders and are in fact measured, quantified, verified and audited in the execution of contracts.

c. In the case of professional services, the appointment may take place on an *ad hoc* basis or from a roster of service providers, following the guidelines on fees issued by the Department of Public Services and Administration.

d. In other cases the following alternatives strategies are available, under the supervision of a municipal bid committee:

- public tender, supervised by a bid committee; or
- (depending on value of the contract) obtaining at least three quotations, using an accelerated process: Quotations must be solicited only from reputable firms which preferably operate within the municipality's area of jurisdiction They must be evaluated by a bid evaluation committee and the reasons for dispensing with open competition must be clearly recorded and approved; or
- direct procurement in certain limited situations, as prescribed in the Dispensing with Tender Regulations issued under section 12 of the Local Government Transition Act, 1993 (Act No. 209 of 1993) as amended; or
- extension of an existing contract, although municipal by-laws and regulations may preclude or limit this approach.

- e. Contract strategies that could be considered include:
- A turnkey contract or contracts for the supply, delivery and installation of housing goods and services or variations thereof, for instance the supply and installation of engineering services as a separate contract from the supply and construction of shelters;
 - A contract for the supply and delivery of materials, which may be acquired by transactions on an ad hoc basis as a result of quotations obtained in terms of its financial legislation, or in terms of annual tenders;
 - A construction contract, which may be by the normal competitive process or by the use of local Small and Medium Size Enterprises, or by municipal construction teams;
 - A community-based construction process, where this is considered to be feasible in an emergency housing environment and the municipality has the necessary capacity to manage the project. In such a case materials, plant and goods and other services required must still be procured in terms of the procedures prescribed herein;
- f. Contractors and municipal officials must have regard to supervision and training, safeguarding materials on site or in storage, training and supervision of personnel, appropriate norms and standards, and quality control.
- g. The municipality must satisfy the Emergency Housing Steering Committee that the contract strategy to be adopted is suitable to address the respective emergency housing project requirements.

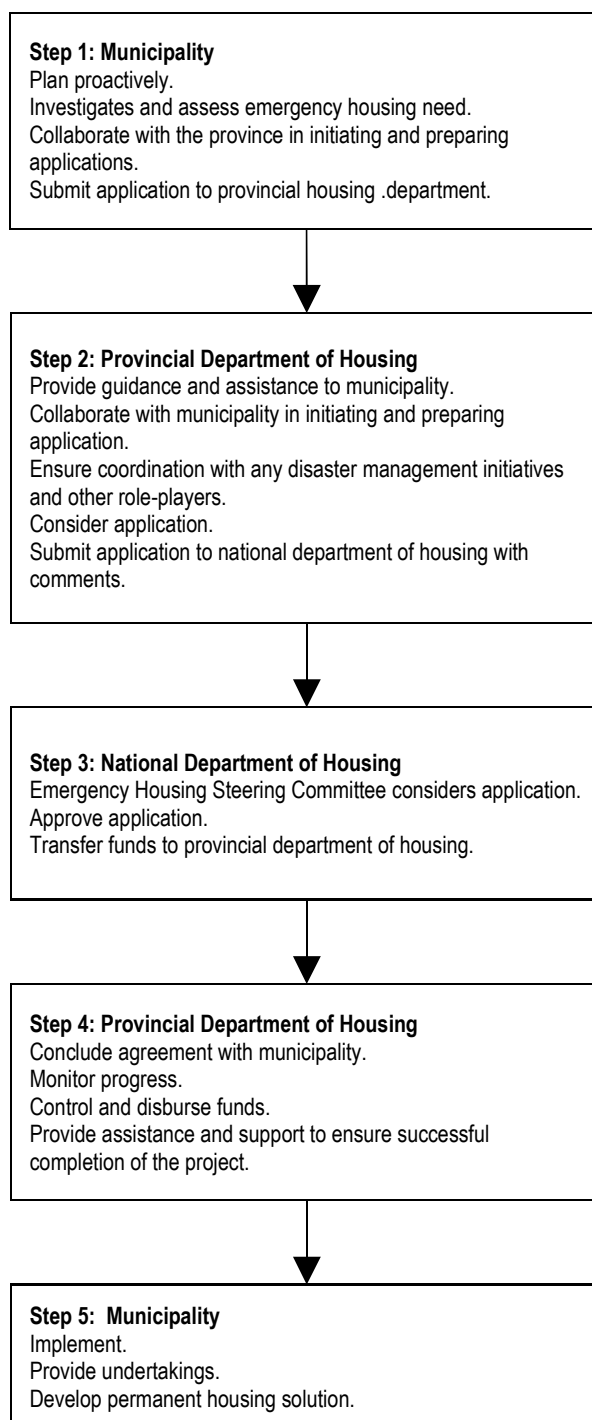
12.3.11 Local Project Co-ordination

The guidelines pertaining to local project co-ordination contained in Annexure D to this Chapter must be followed, but may be adapted to suit the category of project approved and the local circumstances applicable.

12.4 Institutional Arrangements

Founded on the principles of co-operative governance and the creation of partnerships between different spheres of government, and based on the principle of subsidiary, which implies that normally a function should be performed at the level most suitable to the circumstances, the roles and functions attributed to the three spheres of government and others under this Programme are listed below. These are in accordance with the provisions of the Housing Act, 1997.

All parties involved must address prescribed procedures expeditiously given the particular circumstances of the emergency situation. The flow chart herein summarises the main activities in respect of an application which is approved:

Figure 1: Summary of main steps of approved application

12.4.1 Municipalities

a. Responsibilities under the Programme

In terms of Section 9 (1) of the Housing Act, 1997 the function of municipalities include that: *“every municipality must, as part of the municipality’s process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to -*

(a) ensure that -

- (i) The inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;*
- (ii) Conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented and removed;*
- (iii) Services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in a manner which is economical”, (Housing Act 107 of 1997).”*

Therefore, under this Programme, municipalities are responsible to:

- Consider whether a matter merits the submission of an application for assistance under this Programme, and if so:
- Initiate, plan and formulate applications for projects relating to emergency housing situations, which in the case of municipalities, which are not accredited, must be in collaboration with and, under the supervision of the provincial housing department.
- Request assistance from the provincial housing department on any of the matters concerned if the municipality lack the capacity, resources or expertise to address the situation.
- Submit the application to the relevant provincial housing department.
- Implement approved projects in accordance with agreements entered into with provincial housing departments in terms of Section 12.6.6.2 of this Chapter.
- Manage, operate and maintain settlement areas developed under this Programme.
- As a precondition for approval of an application, conduct planning for the development of a permanent housing situation for affected persons, wherever appropriate.
- Ensure as far as possible the availability of bulk and connector engineering services.
- Provide basic municipal engineering services such as water, sanitation, refuse removal services and other municipal services.
- Provide materials, assistance, and support where necessary to enable the installation or repair of engineering services or the repair or construction of shelter by or for the affected persons.
- Where necessary, a district municipality must provide inputs and assistance to a local municipality, and vice versa.
- Ensure that situations which may qualify for consideration under this Programme are given expeditious treatment. This includes the use of accelerated land use and planning procedures as described in Section 12.3.9 of this Chapter.
- Where appropriate, assisting with the transport of affected persons and their belongings to resettlement sites.
- The Municipality will adhere to the general procedures on local project co-ordination in executing projects approved under the programme as contained in Annexure D.

1.a. Pro-active Planning

- Municipalities must conduct pro-active planning.
- Existing available mechanisms must be used for this purpose. These mechanisms include municipal integrated development planning (which includes planning for management of disasters) and the integration thereof with other sectoral planning initiatives such as infrastructural development plans (e.g. water services development plans) and municipal and provincial housing plans. In this way, certain emergency situations can be identified and anticipated, and appropriate

and effective actions to deal with them can be facilitated under ordinary subsidies rules and programmes, such as the Consolidated Municipal Infrastructure Programme and project linked housing subsidies. Funding for pro-active planning will not be provided under this Programme, since provision has been made for funding from other sources.

- Components of the integrated development plan ("IDP") that must be utilised by a municipality to plan for identifying possible emergency housing situations include the following:
 - Identification of communities that do not have access to basic municipal services. In this way, existing and potential emergency situations can be identified, risks assessed, and contingency plans made.
 - In determining the municipality's development priorities and objectives, give consideration to existing emergency situations and identify potentially emergency situations to be reflected in its priorities and projects.
 - A spatial development framework that includes basic guidelines for a land use management system. Information about existing emergency housing situations where alternative land or development projects may be required should be identified and reflected in the spatial framework. Threatening and potentially threatening situations, disaster-prone areas, and communities at risk identified in the municipal disaster management plan, that may qualify for assistance under this Programme, must also be identified.
 - Land must also be identified that can be utilised for emergency situations.
- Other relevant measures and procedures:
 - A municipality must have procedures in place to monitor land use, including illegal land invasion, within its area of jurisdiction.
 - Pro-active procurement measures must be considered and can include annual contracts and the establishment of panels of suitable contractors and consultants as indicated in Section 12.3.10.
 - Liaison with other bodies: A municipality must take steps to establish liaison channels and procedures both within its organisation and with other public and private bodies to deal with emergency situations effectively when they arise.

e. **Undertakings Required from the Municipality**

Where appropriate, undertakings will be required for:

- Implementing the project;
- taking the necessary steps to ensure the provision of bulk and connector services to a project;
- the provision of municipal services for purposes of a project;
- the management and control of land, basic municipal engineering services, and shelter developed for purposes of the project;
- keeping and maintaining a register of people/families who benefited from assistance provided under the Programme;
- taking responsibility for the assets to be created in the process, except in the case of damaged formal housing;
- providing relocation assistance to affected persons; and
- the planning and development of a permanent housing solution for affected persons.

12.4.2 **Provincial Housing Departments**

The provincial housing department will be responsible for the implementation of this Programme in collaboration with municipalities.

The provincial housing department must:

- a. generally do everything in its power to assist municipalities to meet their obligations under this Programme;

- b. collaborate with and supervise municipalities in the initiation, planning and formulation of applications for projects under this Programme;
- c. forward applications to the National Department of Housing's Emergency Housing Steering Committee together with its comments and recommendations thereon, including its views on the eligibility for assistance and the capacity of the municipality concerned to undertake and complete the project successfully, and any other aspect deemed important for decision-making in the matter;
- d. having due regard to the provisions of Section 7 of the Housing Act 1997 including the obligation to take appropriate steps in accordance with Section 139 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), to ensure the performance of such duties if the municipality is unable to do so, including undertaking such obligations itself;
- e. assist with the evaluation of applications by the Emergency Housing Steering Committee;
- f. receive, manage, disburse and control funds allocated and transferred to it for an approved project, in accordance with an agreement with a municipality concluded in terms of Section 12.6.6.2 of this Chapter;
- g. assist municipalities with the use and implementation of accelerated planning procedures as described in Section 12.3.9 of this Chapter;
- h. populate the Housing Subsidy System with the details of project beneficiaries under this Programme; and
- i. monitor the implementation of a project by a municipality.
- j. ensure the dismantling and safe storage of prefabricated shelter units after use, for re-use later on.

12.4.3 The National Department of Housing

The National Department of Housing will:

- negotiate the apportionment of the Budget Vote towards the Fund;
- establish the Emergency Housing Steering Committee (UHSC);
- act as secretariat to the Emergency Housing Steering Committee in that it must receive, consider and make recommendations on applications, for consideration by the Emergency Housing Steering Committee, for providing assistance under the Programme;
- once an application has been approved, transfer the allocated funds to the provincial Department of Housing;
- monitor projects approved;
- if required, establish a national co-ordinating body to address large scale emergency housing needs; and
- provide assistance with the release of State Land for emergency housing purposes.

12.4.3.1 Emergency Housing Steering Committee

- a. The Director-General shall establish an Emergency Housing Steering Committee to receive, consider, and approve applications for assistance under the Programme, and to direct the administration of funding allocations made.
- b. The Director-General shall chair the Emergency Housing Steering Committee, whose membership shall comprise:
 - the Deputy Director-General: Policy and Project Management;
 - the Chief Director: Special Programmes;
 - at least two line function directors in the Department nominated by the Director-General; and

- provided that the Director-General may appoint an alternate member to take the place of any permanent member who for whatever reason may not be able to attend a meeting of the Committee.
- c. A quorum will comprise the Director-General or in her/his absence the Deputy Director-General as chairperson plus three other officials who are members of the Emergency Housing Steering Committee.
- d. Meetings must be convened as required and when an application has been received and is ready for consideration.
- e. The Emergency Housing Steering Committee may determine that a specific situation requires a special dispensation, in which case a multi-disciplinary advisory committee may be established which includes representatives from the National Department, provincial and/or municipal levels, service authorities, and other appropriate external expertise:
- to investigate the matter fully and make recommendations, and/or (if funding is approved);
 - to manage and table proposals on the initiation of required initiatives to ensure prompt response to exceptionally emergency housing needs across provinces, urban and rural areas;
 - to ensure that all aspects of a project are addressed within budget and required time frames;
 - to ensure structured co-operation and co-ordination in the implementation of the project.
- f. Municipalities making an application and affected provincial housing departments will be entitled to make and submit representations on their applications at meetings of the Emergency Housing Steering Committee convened for that purpose.
- g. The Emergency Housing Steering Committee may require further information and comment as it may require, and may consult other bodies, institutions, and individuals in its discretion.
- h. In considering an application, the Emergency Housing Steering Committee must have regard to the existence (where appropriate) of any insurance cover for superstructures against which a claim might be instituted, and to any funding that may be available from any other source, including the private sector.
- i. The Emergency Housing Steering Committee must consider and assess an application for assistance under this Programme and must decide in its discretion whether or not to approve the application for funding from the Fund, and may also:
- authorise a grant in such amount and subject to such conditions as it may determine regarding the project or any aspect of the project; or
 - require further information or investigation and re-submission of the application; or,
 - refuse the application, in which case written reasons for the decision must be given to the province and municipality concerned.

12.4.4 Other Role players

12.4.4.1 Other State Departments

Efforts must be made to involve other Government Departments, whenever appropriate. In particular, the following Departments could play a role in an emergency housing situation.

a. **The National Department of Land Affairs:**

The National Department of Land Affairs could be involved with regard to:

- consideration and if possible approval of land development applications in terms of the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993) where applicable;
- the availability and transfer of State Land;
- certain cadastral information through the directorate Public Land Support Services;

- through the Deeds Office, the ownership status of land;
- through the Surveyor General's Office, the provision of compilation plans and other similar cadastral information and the approval of possible diagrams relating to the land; and
- assistance regarding land tenure rights and in dealing with the Interim Procedures Governing Land Development Decisions which require the consent of The Minister of Land Affairs as nominal owner of the land (Appendix 1, Part 3, Chapter II of the National Housing Code).

b. The Department of Provincial and Local Government:

The Department of Provincial and Local Government could be involved with regard to:

- declared states of disaster in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002);
- the provision or repair of bulk or connector engineering services in respect of municipal engineering services in terms of the Consolidated Municipal Infrastructure Programme (CMIP); and
- the rehabilitation of internal reticulation systems in respect of basic municipal engineering services in terms of the Consolidated Municipal Infrastructure Programme (CMIP).

c. Other Provincial Departments:

Provincial Departments other than the housing department responsible for local government, environmental affairs and/or land administration could be involved by considering and approving land development applications in terms of applicable planning and environmental legislation.

d. The Departments of Home Affairs and Safety and Security:

These departments could be involved with regard to addressing possible illegal immigrants and control of possible unruly behaviour.

12.3.4.2 Professional Service Providers

The assistance of professional service providers can be procured to assist with the preparation of applications for funding assistance and to provide assistance with project implementation, including land acquisition, conducting of technical investigations, planning, design, social surveys and facilitation, mediation and conflict resolution, implementation management, and construction supervision.

The need for any of the above services and assistance must be well motivated and will only be considered where either the municipality, district municipality or provincial department of housing clearly demonstrates a lack of sufficient available capacity or specific expertise required to address any of the matters concerned, or where the Emergency Housing Steering Committee in its opinion will require such services or expertise, to assist a national co-ordinating body instituted by it.

12.5 Funding for Projects to Address Emergency Housing Situations

12.5.1 Funding for Projects

Projects under this Programme will be funded through funds made available by the Department of Housing that have been dedicated in terms of an appropriate vote, to be included annually in the Department's budget. The administration and management thereof will be undertaken by the Director-General of the Department of Housing. Financial assistance under the Programme may be provided for the matters enumerated in Section 12.3.4.1 of this Chapter.

Grants will not be made for assistance which should be funded by another government programme.

12.5.2 Grants

- a. Approved funds for projects will be transferred to the relevant provincial housing department, which shall make the funds available to the municipality concerned in a manner and subject to such terms, conditions, and controls relating to the handling of finances as may be determined by the accounting officer of the provincial housing department concerned, and also subject to those conditions that may have been imposed by the Emergency Housing Steering Committee when approving the project.
- b. Progress payments to municipalities shall be made, against proof of the provision of value for money by achievement of agreed milestones provided that advance payments can be made, as described in Part 2, Section 12.6.6.3 of this Chapter.
- c. Progress payments shall be made by municipalities to providers of housing goods or services contracted with, against proof of the provision of value for money as described in Section 12.6 of this Chapter.
- d. If it is found that the approved grant amount, based on the estimates provided in the project application for a project, exceeds the actual amount disbursed or to be disbursed, in implementation of a project, the balance must be transferred back to the National Department of Housing.

12.5.3 The Amount of the Grant

The amount of the grant will be determined by the Emergency Housing Steering Committee based on the nature and extent of the emergency housing situation. The funding limits indicated below will be reviewed annually to ensure appropriate adjustment thereof to cater for the eroding effects of inflation on the amounts.

12.5.3.1 Temporary Settlement Areas

An appropriate amount may be available per grant, as the aggregate sum available for all purposes in respect of temporary assistance and where land, all basic engineering services, a shelter, professional and other services may be required. A typical cost breakdown is attached as Annexure B. The amount allowed for a specific purpose or activity may not be used for or applied to any other purpose.

- a. **Land Cost**
 - An amount of up to R 399 per grant is allowed for the purchase of land, where state owned land is not available.
- b. **Indirect cost: Professional Fees**
 - An amount of up to R 1 080 is allowed per grant to cover indirect costs in respect of professional fees for project management and the planning and design of the settlement area.
- c. **Direct cost: Basic Municipal Engineering Services**
 - An amount of up to R 1 660 is allowed per grant for the provision and installation of all basic municipal engineering services.
 - Engineering services costs are based on shared services provision and a higher than normal dense settlement pattern (five families per ordinary stand of 250m²).
- d. **Shelter**

An appropriate amount will be allowed for the provision of a shelter, with a minimum floor area of 24m², subject to investigation by the Department.

e. Variations

Variations to the amount will include:

- a maximum of 15% for geophysical and other extraordinary conditions calculated on the total grant amount based on a professional assessment and full motivation, as described in Section 12.3.7 of this Chapter;
- an additional amount of up to 5% calculated on the total grant amount in respect of the Southern Cape Coastal Condensation area;
- in respect of Category (1) situations as described in Section 12.3.5, Table 1 of this Chapter an additional 15% on the amount allowed for municipal engineering services per grant, to address the additional cost for the provision of services, based on a more permanent layout;
- variation in the price to acquire land based on market-related rates;
- provision of funds to address matters such as the cost of relocation, provision of high-mast lighting as a last resort, where funds could not be obtained from other sources or government programmes; and
- project extent and location.

12..1.1.2 Damaged Permanent Housing

The total amount available for the reconstruction or repair of damaged permanent houses and municipal engineering services will be equal to the amount of the National Housing Project Linked Subsidy, under the National Housing Programme, namely, **R 25 580**, as may be amended from time to time.

a. Damaged Municipal Engineering Services in Permanent Housing Areas

- If no other funds is available up to a maximum amount equal to the total stand cost of the Project Linked Subsidy, namely **R 10 580** can be made available to repair, reconstruct or replace a serviced stand. The actual cost must always determine the quantum of this dimension of the grant but may not exceed **R 10 580**.

b. Damaged Houses

- An amount up to a maximum equal to the Project Linked Consolidation Subsidy amount including the contribution, namely **R 15 000**, can be made available per grant to repair, reconstruct or replace a superstructure, with similar materials. The actual cost must always determine the quantum of this dimension of the grant but may not exceed **R 15 000**.

c. Variations

- The variations applicable to National Housing Project Linked Subsidies under the National Housing Programme as described in Part 3 Chapter 2 Section 2.4.1 of the National Housing Code will apply in respect of geophysical conditions. The grant amount may be increased by a reasonable amount, not exceeding 15% of the product price and subject to professional assessment and full motivation as described in Section 12.3.7 of this Chapter.
- An additional amount of up to 5% of the approved grant amount for the removal of damaged houses and building rubble could be considered.
- In the Southern Cape Coastal Condensation area, an additional amount of **R 1004** per grant, will apply.
- For the purpose of accommodating disabled persons, the disability variation as contained in Section 2.4.2 of Chapter 2 of Part 3 of the National Housing Code will apply.

Part Two: Guidelines and Rules for Implementation

12.6 Eligibility and Other Conditions for Emergency Housing Projects

Grants are made to municipalities to provide assistance to affected persons who are in situations of exceptional emergency housing need. These may include people who do not fulfil the requirements of Part 3 Chapter 2 of the Housing Code, as described in Section 12.3.2 of this Chapter. Actions are to be undertaken in collaboration with and under the supervision of provincial housing departments as provided in Section 12.4 of this Chapter.

12.6.1 Project Procedures and Rules

- a. A grant will be made available to a municipality to undertake an approved project for exceptional emergency housing assistance.
- b. A municipality must identify a project having due regard to situations as described in Part 1, Section 12.3.5 of this Chapter. The provision for possible emergency housing needs must be identified through pro-active planning or in response or reaction to a request for assistance from other authorities or the public.
- c. When planning relief measures, it must always be borne in mind that, whenever possible, the objective must be to contribute any action under this Programme to permanent housing solutions, for which the Subsidy Qualification Programme in Part 3, Chapter 2 of the National Housing Code might be applied at a later stage.
 - d. The municipality must immediately investigate and assess the identified need giving due consideration to the following aspects:
 - The cause thereof.
 - The nature and extent of the situation in terms of the number of families/ persons affected, number of structures affected, if any, the level of damage to such structures, municipal engineering services affected or damaged, if any and the land affected.
 - Any prevailing risk factors that might aggravate the situation, such as more floods, fire, eviction, legal action, etc.
 - If the situation requires intervention, and, if so, whether the municipality can itself address the situation utilising its own means.
 - If the situation requires immediate or emergency assistance beyond the means of the municipality, in which case the provincial housing department must be notified immediately and be requested to assist.
 - If the situation ought to be classified as a disaster in accordance with the guidelines provided by the Department of Provincial and Local Government, and if so, take the required steps to comply with the said guidelines.
 - e. If in the opinion of the municipality assistance under this Programme will be required, the emergency housing need must be categorised in accordance with the guideline provided in Annexure A to this Chapter. This will require an assessment of the following aspects:
 - the situation as described above;
 - if required available options to address the need, in terms of suitable land for settlement purposes, which could either, be land with a permanent settlement solution as first option or land with a temporary-settlement solution, if no other alternative is available;
 - the need for settlement of affected persons in terms of the categories described in Annexure A of this Chapter, or the possibility to provide temporary assistance at the current occupied site;

- the need in terms of the other purposes or activities for which assistance may be required, including the provision, repair or replacement of certain or all of the municipal engineering services, certain or all of the parts of shelter or the repair or reconstruction of existing damaged formal houses;
- certain or all of the goods or services that can be provided under this Programme; and
- identifying the appropriate development category in terms of which a project will be planned and funds will be applied for.

f. In all of the above cases consider and ensure, as far as possible, that existing or planned housing development priorities will not be compromised.

g. The provision of financial assistance with the physical relocation of persons, where applicable, will only be considered in cases where no other assistance is available.

h. The circumstances of the emergency housing needs based on the categories described above will determine the appropriate approach to project implementation in terms of the acquisition of land, the provision of municipal engineering services or shelter, the repair or reconstruction of damaged housing, the procurement of goods and services, and the planning for land development, as may be required. The procedures provided in subsequent sections will be applicable to the above.

i. The procedures for application for assistance in terms of this Chapter will be the same for all of the above situations.

j. Requests from other authorities or the public: In the case of a declared state of disaster, the municipality must approach the disaster management structure to ascertain what assistance will be provided by it or could be required under this Programme. The disaster management structure can be on a national, provincial, or local level, depending on the nature and extent of a declared disaster. A request for assistance can also be received from the public or other bodies.

k. The total amount of the grant for a project will be determined by the Emergency Housing Steering Committee (EHSC) when the Emergency Housing Steering Committee approves a project. In this process the UHSC will:

- determine the number of persons/households that require assistance;
- determine the needs in terms of land, basic engineering services and/or shelter or components or parts thereof, repair or reconstruction of damaged housing and the need for any other assistance that will be required as specified in the application;
- evaluate the amounts requested for each of the above in terms of the guideline amounts provided for each aspect, as described in Annexure B of this Chapter; and
- take a decision on the total amount that will be provided.

12.6.2 Financial Assistance in Applying

a. If the municipality, based on its assessment of the emergency housing situation and its own resources, determines that the situation requires immediate or emergency assistance beyond its means for preparation of an application, the provincial housing department must be notified immediately and be requested to assist.

b. If the provincial housing department, in collaboration with the municipality, determines that financial assistance and/or advice for preparing an application will be required, the provincial housing department in conjunction with the municipality, can as a last resort prepare and submit a fully motivated request to the Emergency Housing Steering Committee, for assistance.

c. The Emergency Housing Steering Committee will evaluate the request and may make available such resources or funds for essential expenditure necessary for preparing the application, as it may determine.

12.6.3 How to apply for funding

a. Measures that must be taken to ensure efficient responses to emergency situations are described below. Situations may vary significantly, so the measures described herein are only intended to serve as guidelines.

b. A funding application must originate from a municipality which receives information or a request from any source about a situation that may merit assistance under this Programme.

c. The municipality must prepare an application in the form contained in Annexure A. The application will include information regarding the following:

- Particulars of the applicant;
- A description of the emergency need, indicating its nature, origin and the planned course of action, including the following information:
 - The locality of the emergency housing situation including whether it involves an existing formal township or housing situation or an informal situation.
 - A community profile covering the broad demographics and situation of the persons affected, including the situation with regard to the presence of illegal immigrants and non subsidy qualifying beneficiaries.
 - Steps taken to date.
 - Whether there is any need to relocate affected persons and if so, details on the new location and the land proposed for resettlement.
 - Whether a state of disaster has been/is to be declared, in which case this Programme is to be used to augment the disaster management processes. The processes and extent of augmentation must be discussed with the disaster management structure, evaluated and indicated.
 - Details on the funding required, including the availability of other options regarding funds and help from other sources.
 - The communication strategy proposed to be employed with regard to the affected persons.
 - Municipal capacity status and requirements.
 - Linkages with existing and/or other programmes.
 - A statement of the special and exceptional situations, which might justify emergency assistance in terms of this Programme.
 - The proposed project execution plan and financial flow details.
 - The number of shelters to be provided, details of municipal engineering services to be provided/details of existing formal houses to be repaired or reconstructed.
 - The details on land ownership, the land acquisition plan, price of land etc.
 - The contracting strategy details.
 - A detailed plan for the permanent settlement solution of the affected persons in terms of the agreed priorities and actions to be taken regarding non qualifying housing subsidy beneficiaries.
 - Any other or further information, which, in the opinion of the applicant, may assist the Emergency Housing Steering Committee to come to a decision in the matter.

d. Submission of application: The application prepared must be submitted to the provincial government's department of housing, which must:

- acknowledge receipt within seven days;
- evaluate the application forthwith; and if in its view the matter merits consideration, then
- forward the documents concerned, together with its own evaluation, comments and recommendations thereon to the Emergency Housing Steering Committee for consideration.
- each submission must be accompanied by a document explaining any strategy proposed for follow through actions after the completion of the project.
- The municipality must notify the Emergency Housing Steering Committee when it has submitted an application to the provincial department of housing.

12.6.4 Function of the Emergency Housing Steering Committee in Assessing Applications

a. Upon receipt of an application from a provincial department of housing, the National Department of Housing must:

- Acknowledge receipt thereof within seven days to both the municipality and province concerned.
- As soon as possible examine the application to ascertain whether it is procedurally correct, comprehensive, and appears to contain an appropriate motivation for consideration as a case of 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.
- In consultation with the chairperson, set a date for a meeting of the Emergency Housing Steering Committee to consider the application, and then issue a notice convening the meeting with an agenda which will include the application documents.

b. The Emergency Housing Steering Committee must confirm its decision thereon within 21 days after receipt of the application.

c. The Emergency Housing Steering Committee must assess the application in accordance with the criteria set out in Section 12.6.5 below. If the application is approved, the Committee will, subject to the conditions of this Programme, determine specific terms and conditions applicable to the approval.

d. If the project is approved, the Emergency Housing Steering Committee, will register that approval, and inform the municipality and the relevant provincial housing department. No application will be approved unless funds are allocated to the project.

12.6.5 How the Emergency Housing Steering Committee Judges

a. All projects should conform to the policy intent of the Programme and meet the requirements of the definition of emergency housing situations as described in Part 1, Sections 12.2 and 12.3 of this Chapter.

b. In making its decision the Emergency Housing Steering Committee shall, where appropriate, give due consideration to the following criteria:

- The nature and extent of the emergency housing need;
- Actions already taken to address the immediate situation;
- Potential for further aggravation if emergency action is not taken;
- The availability of funds in relation to the need to provide for other demands which might be made on the fund;
- Prevailing environmental conditions;
- Community involvement;
- Capacity of the municipality and/or the provincial housing department to assist or to address the situation;
- The evaluation of the provincial department of housing of the situation and its recommendations thereon;
- The need for the establishment of a national coordinating body;
- Employment potential;
- Technical feasibility of the proposed course of action;
- Innovation, replicability, and cost efficiency;
- Accountability and the gearing of other possible State or other resources; and
- Availability of suitable land, social and municipal services.
- The cost structure of the application in terms of the funding and technical requirements and guidelines as described in Sections 12.3.6 and 12.5.3 of this Chapter.
- The land ownership details, land acquisition plan, land price etc.

- The planning regarding the permanent housing solution for the affected persons.
- c. The Emergency Housing Steering Committee may, in approving an application and in addition to any other conditions it may stipulate, stipulate the nature and scope of any other agreement(s) it deems necessary for, the successful completion of the project.

12.6.6 After Approval of the Emergency Housing Situation Project

12.6.6.1 Administration of Approved Funding

- a. The provincial housing department and municipality must be notified whether an application has been approved, approved with conditions, partially approved or declined.
- b. Funds provided for purposes of the project must be transferred to the provincial government's housing department based on the approved application and conditions imposed by the Emergency Housing Steering Committee which constitute the approved business plan for the project.
- c. Funds transferred to a provincial housing department must be made available to any one of the following by way of the agreement described in Section 12.6.6.2 below:
 - The municipality in the case of a local municipal emergency housing situation;
 - A district municipality in the case of a sub-regional emergency housing situation affecting more than one municipal area, within the same district municipal area that requires special co-ordinating and management measures; or
 - The provincial housing department itself in the case of a regional or provincial emergency housing situation or where a municipality requires capacity or assistance to undertake the project, or where the project is undertaken by the province itself.
- d. Where a municipality or provincial housing department, as the case may be, is to procure housing goods or services (excluding the acquisition of land) to assist with implementing a project, it must use the procurement documents and contracts similar to the format set out in Annexure C to Part 3 Chapter 3 of the National Housing Code, to be adapted for the purposes hereof and must consider the requirements in terms of progress payments as described in Section 12.6.6.3 of this Chapter.

12.6.6.2 The Agreement between the Provincial Housing Department and the Municipality

- a. Once a project has been approved and funds have been transferred to the provincial department of housing, the municipality shall forthwith enter into a written agreement with the provincial department of housing.
- b. Each agreement between a provincial department of housing and a municipality must incorporate the approved business plan as an Annexure and must contain/or include the details set out below, and must be signed on behalf of the provincial department of housing by the Head of the Department and the municipal manager or other duly authorised representative, on behalf of the municipality:
 - Conditions imposed by the Emergency Housing Steering Committee when approving the project;
 - Requirements of the procurement regime applicable;
 - Total number of persons/households to be assisted under the project;
 - Detailed description of the land and basis for securing the land where assistance will be provided; and
 - The envisaged planning of the area and the type of assistance that will be provided in terms of:
 - Secure access to the land,
 - Basic municipal engineering services to be provided, if applicable,
 - The type of shelter to be provided to affected persons, if applicable, and,
 - Detail of any other assistance to be provided.

- A detailed itemised breakdown of all amounts of the grant and the total grant amount;
- The amount of the grant approved under this Programme which 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 Programme;
- A detailed project implementation plan also indicating the cash flow, agreed project milestones and progress payments;
- Rental to be charged for the shelter provided subject to any applicable provisions for assistance to indigent persons;
- Arrangements to be made in respect of payment of service charges and where applicable municipal rates;
- The agreed professional services to be procured detail, on the work to be done, and fees to be paid;
- Detail on any other agreed housing goods or services to be provided and or procured; and
- Any other matters deemed reasonable and necessary to ensure meeting project objectives.

12.6.6.3 Progress Payments

- a. On approval of a project, the approved project budget will be transferred to the provincial government.
- b. Expenditure of funds must be for the purposes approved and subject to the conditions imposed by the Emergency Housing Steering Committee.
- c. The municipality will become the owner of the engineering services installed. The ownership of the temporary shelter will be finalised in due cause. In the case of the repair or reconstruction of damaged housing, ownership of the asset will remain unchanged. The municipality must therefore validate, approve and submit claims received or prepared by itself to the provincial government's department of housing for final approval and the transfer and/or payment of the amount so claimed.
- d. The circumstances and nature of the project as described in the application and agreement with the provincial department of housing will determine and identify the cash flow requirements of the specific project. In principle, the following guidelines must apply (subject to any amendment/condition which the Emergency Housing Steering Committee may impose on the approval of the project).
- e. An advance payment to a maximum of 30% per phase can be made to the municipality.

The payment milestones contained in Table 3 below is based on an example relating to category (1.2) as described in Section 12.3.5 of this Chapter. This must be adapted for purposes of the specific project, based on the approved project items and grant amount.

Table 3: Payment Milestones

ACTIVITY: ACQUISITION OF LAND		
Milestone	Description of Milestone	Actual amount
Land Acquisitioning	Full purchase price payable to conveyancer on the lodgement of the transfer documents for registration in Deeds Office.	Up to R399
ACTIVITY: PLANNING & ENGINEERING SERVICES DESIGN		
Milestone	Description of Milestone	Actual amount
Planning and Land Surveying	Finalisation of Base Plan, site investigations and town planning	Up to R 973
	On submission of General plan for approval.	
	On approval of general plan, pegging of stands and opening of township registers	
Engineering services design	On submission and municipal approval of final engineering services design, specification and procurement documentation.	
Mediation and conflict resolution	Monthly payment on time and cost basis with agreed fixed maximum.	
Project Management	Payment on time and cost basis with agreed fixed maximum.	
ACTIVITY: PROVISION OF MUNICIPAL ENGINEERING SERVICES		
Milestone	Description of Milestone	Actual amount
Installation of services	On procurement and municipal engineering services, installation.	Up to R1660
	On handover and final completion certificate.	
ACTIVITY: SOCIAL SURVEYS & BENEFICIARY REGISTRATION		
Milestone	Description of Milestone	Actual amount
Beneficiary list	On completion of beneficiary list, inclusive of gathering of textual data.	Up to R107
Site allocations	At completion of site allocations & property register	
Legal documents signed	At signing of documents for lease agreement or agreed product	
ACTIVITY: SHELTER		
Milestone	Description of Milestone	Actual amount
Shelter provision	Full payment on completion and obtaining of a handover certificate or payment in accordance with the milestones indicated in the approved project plan.	<i>Note:</i> *Subject to investigation. To be agreed upon later.
Obtaining handover certificate	Full payment on completion and obtaining of a handover certificate or payment in accordance with the milestones indicated in the approved project plan.	

f. The envisaged expenditure and payment against milestones must be indicated in detail in the application and subsequent agreements. As and when specific agreed milestones are reached or completed, claims must be submitted to the municipality, together with the necessary proof that the milestone has been reached. The municipality must scrutinise claims so submitted and approve or reject them.

g. The municipality must on approval of such claim, certify that all services, works and goods claimed for, have been received in good order and work have been executed or provided to its satisfaction. The claim, together with such proof required and the municipal certificate of approval must be submitted to the provincial government's department of housing for payment.

h. The department must satisfy itself that all requirements have been met and must effect payment within 30 days from receipt thereof.

i. The requirements for proof, as indicated in Table 4, must be required in respect of each payment relating to a project under the said category (1.2). From this table may be extracted or implied the documentary proofs required for other categories of assistance.

Table 4: Documentary proof of payment

Progress Payment	Document required as proof of payment
Land	<ul style="list-style-type: none"> • Land Purchase: <ul style="list-style-type: none"> ○ Signed acquisition agreement. ○ Proof of lodgement of registration. ○ Proof of final registration.
Land Surveying	<ul style="list-style-type: none"> • Copy of approved SG diagram, Municipal approved draft General Plan, approved General plan and pegging of stands as applicable.
Town Planning	<ul style="list-style-type: none"> • Proof of municipality approved layout plan, proof of submission of land development application, letter of approved application, letter of approval of township registration, as applicable.
Engineering Services design	<ul style="list-style-type: none"> • A certified copy of the approved engineering designs and specifications issued by the municipality, contract documentation.
Legal Services	<ul style="list-style-type: none"> • Monthly report and statements as per agreement, as the case may be.
Mediation and Conflict Resolution	<ul style="list-style-type: none"> • Monthly report and statements as per agreement, as the case may be.
Social Surveys, Beneficiary Registration and Rental Agreements	<ul style="list-style-type: none"> • Municipal approved survey report. • Municipal approved beneficiary registration database, list. • Municipal approved signed rental agreements, as the case may be.
Municipal engineering services installation	<p>A copy of the approved municipal handover certificate in respect of the municipal engineering services. Monthly site supervision reports, final municipal completion and handover certificate as applicable. In the case of progress payments, municipal approved progress certificates.</p>
Shelter	<ul style="list-style-type: none"> • A copy of the municipal approved handover certificate per shelter in the case where contractors may be involved. • A copy of municipal approved certificate of receipt of goods or material in good order. • Municipal certificate on erection, allocation and occupation of shelters in the case of self-construction.

j. Payments made for a specific milestone must not exceed the amount indicated in the project budget for such specific milestone and or product, work or service provided.

k. At the conclusion of the emergency housing project, the municipality must report to the provincial housing department, the details of the procurement strategy followed, including the quotations/bids received in respect of each purchase or service procured and the reasons for quotation selected.

12.6.7 Refunding

A situation may occur where expenditure is less than the budgeted amount. In such an event on project completion, the provincial government will transfer such excess funds back to the National Department of Housing.

- If for whatever reason a situation occurs where an amount in excess of the amount to which a supplier of goods, works or services is entitled, the supplier will on demand refund the overpayment to the provincial government's Department of Housing. The Department may set off such overpayment against any later amount due to the provincial government or the municipality.
- If for whatever reason the project is cancelled, funds not expended, excluding funds legitimately still due for payment, as determined by the provincial government's Department of Housing and the municipality for any goods, work, or services, will be transferred back to the National Department of Housing.

12.6.8 Key points to remember

- This Programme addresses circumstances of emergency housing need, and only provides for temporary assistance, except for assistance with the repair or reconstruction of permanent damaged housing.
- Funds are made available in the form of grants and not subsidies.
- This Programme is not to be used as a pretext for queue-jumping of any priority planning applicable to an area.
- Appropriate action may comprise the provision on a methodical basis of absolute essentials of land, shelter and/or basic municipal engineering services, the repair or reconstruction of damaged permanent housing.
- Fully motivated applications are to be submitted via the provincial housing department to the Emergency Housing Situation Steering Committee.
- This programme augments other programmes and does not replace them.

Detailed guidelines are provided on various topics.

NATIONAL HOUSING CODE: PART 3, CHAPTER 12

ANNEXURE A

APPLICATION FORM: HOUSING ASSISTANCE IN EXCEPTIONAL EMERGENCY HOUSING SITUATIONS

APPLICATION FOR GRANT ASSISTANCE TO THE
NATIONAL DEPARTMENT OF HOUSING

Application for assistance in case of an emergency housing situation in terms of Chapter 12 of the National Housing Code.

PART 1	
PARTICULARS OF APPLICANT	
1.1	Name of municipality:
1.2	Type and category in terms of the Local Government Municipal Structures Act, 1998:
1.3	Postal Address:
1.4	Physical address:
1.5	Telephone No.
1.6	Fax No.
1.7	Contact Person: (Name and surname, designation, telephone number, fax number, e-mail address).
PART 2	
DESCRIPTION OF EMERGENCY HOUSING SITUATION	
2.1	Brief description of the emergency housing situation, e.g., flood, fire, imminent eviction, etc.:
2.1.1	Description of location and cause of the emergency housing situation (attach location map).
2.1.2	Describe level of destitution /displacement and impact on people
2.2	Nature, scope, and extent of the emergency housing situation: Provide a full and detailed description of the emergency housing situation, including, among other matters, the nature of the emergency housing situation that needs to be redressed, e.g., whether land, municipal engineering services, and/or shelter is required, or the repair or reconstruction of damaged formal housing. (Complete Table 6 on "Assessment of emergency housing needs" including cost summary and provide full details in appendix thereto).
PART 3	
COMMUNITY PROFILE	
3	Together with the application, the municipality must submit a community profile containing the following particulars:
3.1	The number of affected people, households, and families.
3.2	An income profile of the families.
3.3	The number of people unemployed.
3.4	Whether relocation / resettlement is required, and, if so, full reasons.

PART 4

LAND, MUNICIPAL INFRASTRUCTURAL SERVICE, AND SHELTER

- 4.1 **If land is required**, provide the following information:
- 4.1.1 Whether the current settlement is in an urban, rural, communal land area, or other area (e.g. commercial farm, etc.).
- 4.1.2 Settlement pattern before the occurrence of the event which caused the emergency housing situation.
- 4.1.3 The nature of the current property rights of the people concerned, e.g., illegal, informal settlement, tribal settlement, communal tenure rights, rent, leasehold, ownership, etc.
- 4.1.4 Have the affected people been consulted, and has their consent and commitment to cooperation been obtained. If not, provide full particulars, including time frames, of the steps that will be taken to obtain their consent and commitment.
- 4.1.5 Has land been identified for possible resettlement, and if so:
- a) The location, description, and extent of the land.
 - b) In whose ownership is the land.
 - c) On what basis will the land be made available, e.g., donation, lease or purchase, and what are the terms in each case.
 - d) Are there any restrictions that will impede or preclude the use of land for temporary/permanent residential purposes in terms of, for instance, its title deeds, integrated development planning, the Environmental Conservation Act, 1991, or any other legislation? If so, how will these restrictions be removed?
 - e) Does the land form part of an established housing development or on land that has been identified for housing purposes.
 - f) If land has not yet been identified, provide full particulars, including time frames and estimated costs, of the steps that will be taken to identify and acquire land.
- 4.1.6 Full particulars about the time frames and costs of a layout plan for the area of resettlement.
- 4.2 **If municipal engineering services are required**, provide the following information:
- 4.2.1 Full details of any municipal engineering services that are currently available or were available at the time of the occurrence of the event which caused the emergency housing situation. Provide:
- a) full particulars about the municipal services that are required;
 - b) detailed reasons for the necessity to provide them under this programme;
 - c) full particulars of the estimated costs of, and the manner in which it is intended to install, the proposed municipal infrastructure.
- 4.2.2 The municipality must, together with the submission of this application, provide a written undertaking that it will:
- a) pending the installation of the municipal engineering services, provide basic municipal services to the affected people in the form of water, refuse removal, and sewage removal services (where applicable) at affordable tariffs; and
 - b) be able to provide bulk and connector services to the people once the municipal have been installed.
- 4.3 **If shelter is required**, provide the following information:
- 4.3.1 A full description of the accommodation that existed in the community before the occurrence of the event which caused the emergency housing situation.
- 4.3.2 Full and particularised information about:
- a) the number of people for whom the shelters will be erected;
 - b) the nature and description of the structure that will be erected
 - c) the number of shelters to be erected;
 - d) full and particularised details of all material required for the construction of the shelter;

- and
- e) the estimated costs involved in the provision of material and training to the affected people to construct their own shelters;
 - f) any others costs required to execute the project.

4.3.3 **Does the municipality have the capacity** to provide training to the affected people on how to erect their own structures and to supervise the construction of the shelters? If not, what steps does the municipality intend taking to acquire the required capacity, and provide details on the envisaged contracting strategy,

4.4 **Relocation/resettlement**

In the event of relocation and resettlement of people, the municipality, must together with this application, submit a written undertaking that it will comply with all the prescripts relating to relocation and resettlement as set out in the Chapter.

PART 5 STEPS TAKEN TO DATE

- 5.1 Provide details of all action the municipality or any other person or institution has taken since the occurrence of the event which caused the emergency housing situation to ameliorate the situation or address the emergency housing situation.
- 5.2 Provide a list of other people or institutions who have a substantial interest in the situation and provide details of such interest.
- 5.3 Has the emergency housing situation been declared a state of disaster in terms of the Disaster Management Act, 2002?
If so, what actions have been taken in terms of the Act?

PART 6 CAPACITY STATUS AND ARRANGEMENTS

- 6.1 **Institutional Capacity:**
Provide a brief description of the capacity available to address the emergency housing situation in terms of managerial and technical capacity available to manage, plan, implement the project.
- 6.2 **Financial Capacity:**
Provide a description on the capacity to manage, control and administer funds, as well as the capacity to provide or arrange/negotiate other sources of additional funds for purposes of the emergency housing situation.
- 6.3 If the municipality lacks sufficient capacity to execute the project, what proposals does it have to augment its current capacity in order to redress the emergency housing situation?

PART 7 LINKAGES WITH EXISTING AND/OR OTHER PROGRAMMES	
7.1	Can this project in any way be linked to any other public or private programmes, housing or otherwise, that may in any way assist in redressing the emergency housing situation?
PART 8 FURTHER INFORMATION	
8.1	Provide any further information relating to the emergency housing situation, which in the opinion of the municipality will assist the Emergency Housing Steering Committee in taking a decision.

SIGNED AT _____ on the _____ of _____ 2003 in the presence of
the undersigned witnesses.

WITNESSES

1 _____

2 _____

for and on behalf of
(MUNICIPALITY)

**ANNEXURE B
TYPICAL COST BREAKDOWN**

Table 6: Estimates per household as per grant

		Temporary Assistance for temporary or permanent solutions	Repair of damaged formal permanent housing
1. The Serviced Stand	Basic Municipal Engineering Services or repair of services to National Norms and Standards		
	Land Cost		
	Land Acquisition *(if state land not available) ²	R 384.69	
	Opening of township register * if applicable	R 7.03	
	Attorneys fees: Land purchase	R 14.07	
	Sub Total: Land Cost	R 405.79	
	Indirect Costs:		
	Professional Fees:		
	Project Management ³	R 139.95	
	Geo-technical Investigation (if applicable) ⁴	R 42.21	
	Contour Survey ⁵	R 28.14	
	Land surveying and site pegging ⁶	R 140.67	
	Land survey (Surveyor General) examination fee ⁷	R 43.61	
	Town Planning – (i) Layout	R 78.54	
	(ii) Township establishment	R 111.36	
	Environmental Impact Assessment	R 50.00	
	Civil Engineer: Services design & Site supervision:	R 231.43	
	Social facilitation	R 100.00	
	Legal Fees (if applicable) (rental agreements) ⁸	R 7.03	
	Mediation & Conflict Resolution ⁹	R 100.00	
	Sub Total: Indirect Costs	R 1,072.94	
	Direct Cost:		
	Water reticulation on shared basis	R 450.00	
	Sanitation on shared basis	R 360.00	
	Additional cost for small bore sewerage system (where applicable)	R 430.00	
	Roads (Main access)	R 300.00	
	Storm Water	R 120.00	
	High-mast lighting ¹⁰		
	Sub Total: Direct Cost	R 1,660.00	

² Provisional sum indicated for land purchase subject to variation

³ If the Municipality cannot manage the project

⁴ Only if site is to be used for temporary settlement with a permanent housing solution, or for scoping study

⁵ Only if site is to be used for temporary settlement with a permanent housing solution, or where the topography necessitate for services planning purposes

⁶ Site pegging only for site to be used for temporary settlement with a permanent solution or permanent temporary area

⁷ As in 5 above

⁸ When applicable

⁹ When applicable

¹⁰ Not to be provided under this programme

		Temporary Assistance for temporary or permanent solutions	Repair of damaged formal permanent housing
	Total cost of a serviced stand:		
	Sub Total: Land Cost	R 405.79	
	Sub Total: Indirect Costs	R 1,072.94	
	Sub Total: Direct Cost	R 1,660.00	
	Total	R 3,138.73	
	Total cost (rounded off)	R 3,140.00	
	Repair of services to National Norms and Standards		To a maximum of the total standard subsidy amount less amount of consolidation subsidy (R10,580)
2. Shelter	2. Construction Cost of 24m² shelter (specification and costs subject to investigation by the Department) or alternatively repair of existing formal structure according to National Norms and Standards		
	Earthworks		
	Concrete flooring		
	Compacted soil slush floor		
	Concrete bases for structure posts		
	Brickwork		
	Wall Cladding		
	Roof structure		
	Roof sheeting		
	Structural Steel / Timber poles & beams		
	Window frame and pane		
	Doors and frames		
	Finishing and paintwork		
	Plumbing and Toilet		
	Labour		
	Professional fees (Design, specification, tender documentation, tender evaluation, supervision & disbursements):		
	Sub Total:		
	P&G		
	Overheads		
	Profit		
	Total		
	Repair of existing formal structure according to National Norms and Standards		
	Grand Total:		Amount of consolidation subsidy including contribution (R15,000)
			Total standard subsidy amount (R25,580)

ANNEXURE C
GUIDELINES ON ACCELERATED LAND PLANNING AND TOWNSHIP ESTABLISHMENT PROCEDURES

CHAPTER 12: HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS

DEPARTMENT OF HOUSING

1. For the purposes of housing development in circumstances of emergency housing, the following legislation is applicable:
 - 1.1 For purposes of total or partial exemption from legislation and procedures in the case of emergency or temporary housing (i.e. immediate development and settlement with later upgrading of the in situ development):
 - The Town-Planning and Townships Ordinances / Acts. This includes, Section 66 (3) under the General Provisions of the Town-planning and Townships Ordinance, 1986 (Ord. No. 15 of 1986) applicable to the former Transvaal and now the Limpopo province, North-West province, Mpumalanga and Gauteng, which stipulates that "The Administrator (now the Premier of the Province) may, on such terms and conditions as he may determine, exempt a statutory body from any provision or all the provisions of the Establishment of Township Chapter of the Ordinance; or
 - The Development Facilitation Act, 1995 (Act No. 67 of 1995) - Section 30.
 - 1.2 For purposes of less formal procedures: (semi-formal / fast track development):
 - The Less Formal Township Establishment Act, 1991, where (Act No. 113 of 1991) – Chapter I of the Act provides for emergency settlement.
 - 1.3 For purposes of accelerated procedures:
 - The Development Facilitation Act, 1995 (Act No. 67 of 1995)

2. To achieve the objectives of this Programme, the acts described below must be considered.
 - 2.1 Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993) as amended by:
 - Development Facilitation Act, 1995 (act No. 67 of 1995);
 - Provision of Certain Land for Settlement Amendment Act 26 of 1998; and
 - Land Affairs General Amendment Act,, (Act No. 11 of 2000).

 - a) The purpose of the Provision of Land and Assistance Act, 1993 is to provide for the designation of certain land; to regulate the subdivision of such land and the settlement of people thereon. This is a national act assigned to the Minister of Land Affairs, who may delegate her/his powers to the provincial or local government. This Act excludes any laws governing the subdivision of agricultural land and the establishment of townships. The land may be subdivided into pieces of land for small-scale farming, residential, public, community, business, or similar purposes subject to such conditions as the Minister of Land Affairs may impose.

 - b) Procedure
 - The local municipality must identify suitable land for settlement.
 - The local municipality must acquire the land.
 - The local municipality must prepare and submit applications to the:
 - Department of Environmental Affairs and Tourism for exemption of/scoping EIA/proper EIA; and
 - National Minister of Land Affairs via the provincial Land Reform Office, for the designation of the land for settlement. The application must include the following:
 - Application Form / request
 - Council/community/tribal Resolutions
 - Power of Attorney

- Copy of the Title Deed
- Locality Plan (Scale 1:50 000)
- Partition Plan
- Motivational memorandum
- Consents of the bondholder/mineral rights holder (if any)
- Services Agreements (if any)
- Notices to affected parties/public notices (at least 21 days)
- Comments of parties and the reply thereto.
- After approval of the application for designation, the municipality must appoint a land surveyor to survey the proposed partition and submit the partition plan to the Surveyor-General for approval.
- The municipality must send a copy of the approved Partition Plan to the Minister of Land Affairs, and the Minister will then designate the land in the Government Gazette for settlement subject to the approved Partition Plan and land use conditions, if any.
- The municipality must then appoint and instruct a Conveyancer to register the designation and Partition Plan in the Deeds Office.

2.2 Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) as amended by:

- Proclamation R159 of 1994;
 - Development Facilitation Act, (No. 67 of 1995); and
 - Prevention of Illegal Eviction from and Unlawful occupation of Land Act, 1998 (Act No. 19 of 1998).
- a) The purpose of the Less Formal Township Establishment Act, 1991 is to provide for shortened procedures for the designation, provision, and development of land and the establishment of townships for less formal forms of residential settlement. This is a national act assigned to a competent person in the provincial government.

Chapter I provides for shortened procedures for less formal settlement by making land available and the designation thereof for less formal settlement in cases where there is an emergency need.

The Act also requires the competent person (MEC designated by the Premier of the province to whom the act was assigned) to give notice to the municipality only and to allow for a period of at least 21 days for comments. The competent person (MEC) may suspend any servitude or restrictive condition. The Act excludes laws relating to the establishment of townships and town planning. Conditions may be imposed. The developer must cause a general plan to be prepared and submitted to the Surveyor General for his approval. This plan must be filed with the Deeds Registry Office. A township register must be opened and the designated land is deemed to be a township established in accordance with the law governing the establishment of townships in force in the area. Ownership of the erven is obtained by way of a Deed of Transfer and no transfer or stamp duties are payable upon transfer of ownership.

Settlement of a person takes place only after a land surveyor has surveyed the designated land and placed the beacons: Provided that the Administrator (competent authority (MEC) designated by the Premier of the Province) may in a particular case grant permission prior to the placement of the beacons.

b) Procedure

- The procedures to be followed, in principle, are the same as for the Provision of Land and Assistance Act described above.

2.3 Development Facilitation Act, 1995 (Act No. 67 of 1995)

a) The purpose of the Act is *inter alia*:

- to introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; and in so doing to lay down general principles governing land development throughout the Republic; and
- to provide for nationally uniform procedures for the subdivision and development of land in urban and rural areas so as to promote the speedy provision and development of land for residential, small-scale farming, or other needs and uses.
- The Act makes provision in sections 30 and 33 for exemption of any or all the provisions in Chapter V (land development procedures) or any act/zoning scheme/regulation/by-law. The Act also provides for the suspension and removal of restrictive title conditions and servitudes.
- The Act further stipulates the general principles applicable to all land development and includes to the following:
 - The promotion of sustainable development;
 - The safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined areas; and
 - The development should result in security of tenure.

b) Procedure

- The local municipality must identify and, if necessary, acquire suitable land for settlement.
- If funds or capacity is not available, it must be applied for from the district municipality or provincial / national government.
- The local municipality must prepare and submit applications to the –
 - Department of Environmental Affairs and Tourism for exemption of/scoping EIA/proper EIA; and
 - Designated Officer in the provincial government for exemption or partial exemption of the provisions of Chapter V.
- The Designated Officer will submit such application to the Tribunal who will decide on the proposed exemption.
- If exemption is granted, the Tribunal will inform the Designated Officer who will then inform the municipality that exemption was granted.
- If only partial exemption is granted, the municipality must prepare an application and submit it to the Designated Officer.
- The municipality must give notice of the application.
- The municipality must reply to the comments.
- The Designated Officer will submit the application to the Tribunal.
- The Tribunal will consider the application.
- The Designated officer will inform the municipality of the decision.
- The municipality must appoint a land surveyor to survey the area and to submit a General Plan to the Surveyor-General.
- The municipality must appoint a conveyancer to register the township in the Deeds Office.

2.4 Other Provincial Legislation

- a) Existing and proposed provincial legislation was investigated and it was found that new planning and land use legislation has been enacted in three of the nine provinces and the other six are still using the old legislation.
- b) The new provincial acts are:
- KwaZulu Natal Planning and Development Act, 1998 (Act No. 5 of 1998);
 - Western Cape Planning and Development Act, 1999 (Act No. 7 of 1999);
 - Northern Cape Planning and Development Act, 1998 (Act No. 7 of 1998); and
 - The proposed Gauteng Planning and Development Bill, 1999.

These acts replace a number of land use ordinances and also provide for exemptions. They will operate parallel to the Development Facilitation Act, 1995 (Act No. 67 of 1995), as amended.

- c) Procedure for exemption in terms of the "Transvaal" Town-Planning and Townships Ordinance:
- The municipality must apply to the Administrator (MEC) for exemption of the provisions of Chapter III of the Ordinance with regard to township establishment. If exemption is refused in terms of the Ordinance, exemption can be applied for in terms of section 30 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), as amended.
 - Depending on the location and circumstances of the emergency housing situation, the municipality must consider the use of the above legislation and apply for the exemptions as provided for, to ensure the accelerated approval of applications.

2.5 Environmental Planning

- a) The Environment Conservation Act, 1989 (Act No. 73 of 1989) (as amended by Act No. 79 of 1992) states that no land development, which has a detrimental effect on the environment, can take place without consideration by the Minister of Environmental Affairs and Tourism, or the Premier of the Province, of reports concerning the impact of the proposed activity on the environment. The Minister may grant exemption from compliance with any or all of the provisions of any regulation in the Act, or may refuse to do so.
- b) The steps that must be followed to obtain an exemption from the above provisions, are described below:
- The applicant applies in writing to the Minister of Environmental Affairs and Tourism / Premier for exemption from the application of any provision of the regulations under the Act.
 - The Minister / Premier may grant exemption from compliance with any or all of the provisions of any regulation in the Act, or may refuse to do so. If he refuses, the procedures to be followed for reports concerning the impact of the proposed activity on the environment will apply.
 - The municipality applies in writing to the provincial Department of Environmental Affairs, for exemption. The application will be based on a plan of study for scoping and includes:
 - a brief description of the activity and all tasks to be performed during scoping;
 - a schedule indicating completion dates; and
 - a description of the proposed method of identifying the environmental issues and alternatives.
 - After submission, the Department considers the plan of study for scoping and may require additional information from the applicant to accept the plan of study.
 - After accepting the plan of study, the applicant must submit a scoping report.
 - A scoping report must include:
 - a brief description on the project;
 - how the environment may be affected;

- environmental issues and all alternatives identified; and
- an appendix containing a description of the public participation process followed, including a list of interested parties and their comments.
- After receiving the scoping report, the Department may request the applicant to make amendments it requires to accept the scoping report.
- The department decides if the information in the scoping report is sufficient to consider the application without further investigation or that the information should be supplemented by an environmental impact report (EIA).
- If the information requires supplementation, the applicant must submit a plan of study for an EIA. This must include a description of the environmental issues identified during scoping that require further investigation;
 - a description of the feasible alternatives identified during scoping that may be further investigated;
 - an indication of additional information required to determine the potential impacts of the proposed activity on the environment;
 - a description of the proposed methods of identifying these impacts; and
 - a description of the proposed method of assessing the significance of these impacts.
- After receiving the plan of study for an EIA, the Department may request the applicant to make amendments it requires in order to accept the plan.
- After the plan of study has been submitted, the applicant submits an EIA.
- The scope and content of an EIA includes:
 - a description of the activity in question and alternative activities;
 - the identification of the physical environment which may be affected by the activity;
 - an estimation of the nature and extent of the effect of the activity on the environment;
 - the identification of the economic and social interests which may be affected by the activity;
 - an estimation of the nature and extent of the effect of the activity on the social and economic interests;
 - a description of the design or management principles proposed for the reduction of adverse environmental affects; and
 - a concise summary of the finding of the report.
- The Department considers the EIA and approves it, with or without conditions.
- The Department issues a record of the decision to the applicant, on request to any other interested parties.

DEPARTMENT OF HOUSING

CHAPTER 12: HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS

ANNEXURE D
GENERAL PROCEDURES ON LOCAL PROJECT CO-ORDINATION

These guidelines relate primarily to resettlement/relocation projects. They may be adapted to a lesser degree where appropriate, for use in connection with other forms of emergency housing assistance. They must be viewed in the context of and as part of the overall implementation framework under this Programme. Interim arrangements for temporary services and shelter may have to be made until such time as occupation can be given.

Step 1: Formation of local level steering committee and other matters:

- A steering committee must be formed comprising representatives of the provincial department of housing, the municipality, the affected families/persons and, where applicable, the community where the affected community will be resettled, if applicable, and any other body deemed necessary by the municipality. This committee will be responsible for communication, negotiation, and local decision-making pertaining to all aspects relating to the emergency housing project.
- Monitoring measures must be implemented to ensure rapid reaction or response to any incident or occurrence that might have a negative influence on the project.
- Proper document and communication management procedures must be put in place. All minutes of meetings, decisions taken, documents and reports submitted and agreements reached must be well recorded.
- Local police services must also be involved at this stage, as well as the Home Affairs Department in the event of possible illegal immigrants being involved or being part of the affected persons or families.

Step 2: Confirm the Project Scope:

- The steering committee must clearly define the reasons, conditions, objectives, scope, resources and any arrangements pertaining to the project and communicate them to all concerned.
- The municipality must determine the willingness, in principle, of the persons/families to participate in and support the project and (where applicable) to relocate where applicable, and the reaction of the recipient community if applicable, to any planned relocation.
- The reasons for any conflict pertaining to the project, if any, must clearly be determined by the municipality and steering committee, and a process of mediation and conflict resolution must be entered into where appropriate.

Step 3: Available options:

- The steering committee must ascertain and assess all available options relating to available land where applicable, municipal engineering services, and or shelter, including the temporary or permanent nature thereof and the need for relocation.
- The steering committee must ensure consensus about all the terms and conditions relating to the emergency housing situation (where applicable), possible relocation and resettlement between all parties concerned, including the terms of development of the land on which the affected persons/families/community will be assisted.

Step 4: Project Plan:

This involves, under the management and control of the municipality:

- the development of a detailed project plan and (where applicable) a plan, time frames, logistical arrangements, site allocation, management and responsibilities, social support, service, and shelter provision, etc;
- approval thereof by the municipality and accepted by other stakeholders; and
- communication to individual affected persons/families and to other parties affected.

Step 5: Project Beneficiaries:

A register of all beneficiaries of the project must be compiled through conducting a survey and formal registration process, reflecting detailed personal information which must seek to include:

- Personal details (identification number, names of all family members);
- Resident and Citizenship status;
- Photo of head of household;
- Inventory of personal assets;
- Photo of the existing house/structure;
- Floor plan of dwelling house;
- Marking of each structure during the survey process;
- Super structure insurance, where applicable;
- Monthly Household Income;
- Previous benefit from government funding; and
- Preferably copies of documentation such as identification documents.

If during the survey and registration process it is established that illegal immigrants appear to be present the Immigration Service of the Department of Home Affairs must be contacted, to implement procedures necessary to address this situation.

Step 6: Rental agreements:

Since the matter of providing new permanent tenure rights is not part of this Programme, an agreement of occupancy or rental agreement must be entered into (where applicable), except in the case of damaged permanent formal housing. The occupant register and rental agreements must be established and maintained by the municipality concerned. In the case of damaged permanent formal housing, an agreement with the owner of the house is required providing details on the repair or reconstruction assistance that will be provided.

Step 7: Relocation:

- In the event of relocation, this will include the physical relocation of the persons or families concerned. Depending on the emergency nature and need for relocation, the streamlined planning and implementation of all development processes and the physical relocation can be conducted simultaneously.
- The physical relocation will include managing the processes involved in terms of the demolition of structures, taking care of the handling of personal materials and goods or belongings and the safekeeping thereof, arrangements pertaining to the transport of goods and the affected persons, erection or reconstruction of structures if applicable, the provision of temporary accommodation, and social support.
- Policing and safety and security measures must be arranged.

Step 8: After care and communication:

This phase will focus on the consolidation of the overall development process, operation and maintenance, and on furthering the process of achieving in due course a permanent housing situation on or off site, in the case of temporary settlement assistance, where applicable.

The process of communication on settlement management and development must be continued.

Measures should be implemented by the municipality for safety and security and to control and prevent the unauthorised influx of people.