

SOL PLAATJE MUNICIPALITY



INTEGRATED HUMAN SETTLEMENT POLICY

Final version of October 2020

*Approved by Council on the 14th October 2020 in terms
of Council Resolution C176/10/20*

SECTION 1

1. INTRODUCTION

Although the municipality has compiled a Housing Sector Plan which will form part of the IDP as an attempt to expedite housing delivery to citizens in need of access to housing, the following housing related issues present immediate challenges that require tailor-made policy intervention:

- Identifying the processes which the municipality will implement to address its Constitutional powers and functions to attempt to provide access to housing.
- Provide support through internal processes in order to assist other organs of state such as the National Department of Housing and the Northern Cape Department: Co-operative Governance, Human Settlement and Traditional Affairs to provide access to housing.
- An allocation policy for Subsidized Housing.
- An allocation policy for Rental Housing.
- Registration of residents in need of access to housing into the National Housing Needs Register as and when such registrations are required.
- Maximization of sources of housing finance and effective utilization of housing finance to ameliorate the housing condition of low-income areas.
- Management and control of the spread of informal settlements, land invasions and evictions from land.
- Promoting access to affordable serviced land by way of the provision of commercial erven.
- Stimulating private development of housing.
- Regulating access to emergency services accommodation.
- Providing for emergency housing in terms of the Disaster Management Plan as adopted by the municipality in terms of section 53 of the Disaster Management Act, 2002 (Act 57 of 2002).
- Promotion of integrated housing development.

- Attempt to assist with the continuous compliance of the IDP,SDF and LUMS of the municipality.
- Regulate and provide access to emergency accommodation.

It is the municipality's view that this Policy complies with the national and provincial housing policies and legislation. Its objective is to outline the policy parameters, objectives and procedures to be followed in addressing the above issues.

In giving effect to this Policy the municipal council of the municipality shall consider its contents in any budgetary processes it considers and approve.

1.1 LEGAL FRAMEWORK

Legislation and policy framework

Although not exhaustive, the following legislation and policies provide the current legislative framework within which the Policy was drafted:

- Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- Disaster Management Act, 2002 (Act 57 of 2002)
- Extension of Security of Tenure Act, 1997 (Act No 62 of 1997)
- Housing Act, 1997 (Act No 107 of 1997)
- Interim Protection of Land Rights Act, 1996 (Act No 31 of 1996)
- Municipal Finance Management Act, 2003 (Act No.56 of 2003)
- Municipal Systems Act, 2000 (Act No 32 of 2000)
- National Environmental Management Act, 1998 (Act No 107 of 1998)
- Northern Cape Planning and Development Act, 1998 (Act No 7 of 1998)
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998)
- Rental Housing Act, 1999 (Act No 50 of 1999)
- Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)
- Fire Brigade Services Act, 1987 (Act No 99 of 1987)
- The National Housing Code, 2000 as amended from time to time

1.2 GUIDING PRINCIPLES

The following principles serve as a guideline in the implementation of the Policy:

Affordability

Residential development should be economically, socially and financially affordable and sustainable.

Combating Urban Sprawl

Ensure that new developments contribute to the compaction of existing developments and are contained within the urban fringes as defined in the SDF of the municipality.

Communication

Communicate with all stakeholders and interested parties in a manner that is honest, transparent, prompt and unbiased. This principle includes assisting applicant with the completion of any documentation if they are not able to do so themselves.

Community Participation

Ensure that affected communities can actively participate in processes in terms of which access to housing can or should be realised.

Densification

Higher density residential development shall be encouraged to ensure the economical utilization of land and services.

Empowerment

Ensure that residential development incorporates capacity building programs that promote the utilization of local skills and resources as well as the participation of previously disadvantaged communities.

Environmentally friendly

Promote the utilization of environmentally friendly resources and designs that focus on energy efficiency.

Fairness and Equity

Housing development should promote equal access to opportunities as well as promote social equity.

Habitability

Only suitable land for human occupation shall be considered for residential/housing development.

Human centred Development

Ensure that the developmental needs and activities of people living in settlements are properly considered and attempt to ensure that opportunities for people to achieve their full potential through their own efforts are maximized.

Innovation and Choice

Promote innovative responses that increase the availability of choice and variety to the public.

Integration

Integrate social, economic, institutional physical and environmental issues in the development of sustainable human settlements whilst ensuring that new developments lead to the integration of urban and rural areas in support of one another.

Nature Centred Development

Create synergy between man-made and ecological systems through the continuation of green spaces in human settlements and the utilization of environmentally friendly resources and designs that focus on energy efficiency.

Quality

New housing developments shall comply with the minimum development standards as applicable from time to time.

Proximity to Economic Opportunities

Land for housing shall ideally be located next to economic opportunities to lessen the transport cost for residents going to work.

Serviceability

Land made available or considered for residential development shall be serviceable with regard to municipal services.

Sustainability

Promote the establishment of social and economic viable communities and safe and healthy conditions for human settlement while ensuring that residential developments do not impact adversely on the environment.

The guiding principles contained in this Policy should be adhered to insofar as it is practical and financially feasible to do so.

1.3 DEFINITIONS

In this policy, unless the context indicates otherwise –

- 1.3.1 “**allocate**” means to assign a specific right to a housing applicant to access Rental Housing, government subsidized housing, serviced sites or temporary alternative accommodation, emergency housing or emergency services accommodation, as the case may be;
- 1.3.2 “**basic services**” means the provision of potable water by way of communal taps or any other measure implemented by the municipality which will result in the provision of potable water and the provision of sanitation facilities in a manner determined by the municipality. Basic services may, dependant on the availability of financial resources, include any other services which the municipality can provide;
- 1.3.3 “**dwelling**” means any structure primarily designed and erected for residential purposes which include any house, hostel room, hut, shack, flat, apartment, room outbuilding, garage or similar structure which is leased, as well as any storeroom, outbuilding and garage or demarcated parking space which is leased as part of a lease;
- 1.3.4 “**emergency housing**” means access to housing provided by the municipality in terms of provisions of the Disaster Management as read with this Policy.
- 1.3.5 “**existing informal settlement**” means any unplanned settlement and/or settlement not approved in terms of SPLUMA by the municipality which was erected on land registered in the name of the municipality with the tacit or express consent of the municipality. The municipality does, however, reserve the right to withdraw its consent to inhabitants of an existing informal settlement in a lawful manner;
- 1.3.6 “**greenfield development**” means a residential development to be developed on previously undeveloped land which shall exclude any existing informal settlement or informal settlement;

- 1.3.7 “**housing development**” means the establishment and maintenance of habitable, stable and sustainable public and private residential environments consisting of dwellings that ensure viable households and communities in areas allowing convenient access to economic opportunities, health, educational and social amenities in which persons residing within the boundaries of the municipality will, on a progressive basis, have access to permanent residential structures with secure tenure, portable water, adequate sanitation facilities and domestic energy supply and which will ensure internal and external privacy and provide adequate protection against the elements;
- 1.3.8 “**IDP**” or “**Integrated Development Plan**” means a plan as adopted from time to time by the municipality in terms of chapter 5 Municipal Systems Act;
- 1.3.9 “**informal settlement**” means any unplanned settlement and/or settlement not approved in terms of SPLUMA by the municipality which was erected on land without the express consent of the landowner, but excluding any existing informal settlements;
- 1.3.10 “**in-situ upgrading**” means the progressive upgrading of an existing informal settlement through intervention by the municipality and/or any other organs of state to create a habitable environment;
- 1.3.11 “**infill planning**” means the upgrading of existing informal settlements or the development of new residential developments on open spaces within built-up areas as approved in terms of SPLUMA or to improve the provision of services;
- 1.3.12 “**land**” means any erf, agricultural holding or farm portion or any portion thereof, and includes any improvement or building on the land and any real right in land which are situated within the area of jurisdiction of the municipality;
- 1.3.13 “**Land Use Scheme**” or “**LUMS**” means the land use scheme as adopted by the municipality from time to time in accordance with or recognized as such in terms of the provisions of SPLUMA;
- 1.3.14 “**lease**” means an agreement of lease recognised in terms of the laws of the Republic of South Africa as concluded between a tenant and a landlord (owner or duly authorised agent of the owner) in respect of land for housing purposes;

- 1.3.15 “**MEC**” means the Member of the Executive Council of the Northern Cape Province responsible for housing matters;
- 1.3.16 “**municipality**” means the Sol Plaatje Municipality;
- 1.3.17 “**Municipal Planning Tribunal**” means the Municipal Planning Tribunal appointed by the municipality in terms of Chapter 6 of SPLUMA;
- 1.3.18 “**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- 1.3.19 “**National Housing Needs Register**” means a national computerized storage of information system which can be used by the municipality to capture the profile of the residents of municipality, their residential sites, type of dwellings, personal details and municipal services provided including applications for rental and subsidized housing as well as applications for serviced sites;
- 1.3.20 “**open space**” means, in relation to land, means land set aside or to be set aside for use by the community as a recreation area; irrespective of the ownership of such land;
- 1.3.21 “**owner**” means the person registered as the owner of the land in terms of the provisions of the Deed Registries Act, 1937 (Act No. 47 of 1937) or who is the beneficial owner in law;
- 1.3.22 “**person in charge**” means a person who is or at the relevant time had legal authority to give permission to a person to enter or reside upon the land in question;
- 1.3.23 “**Policy**” means this document as approved by the municipal council of the municipality;
- 1.3.24 “**rural development**” means areas falling outside the urban fringe or urban edge as defined in the Spatial Development Framework of the municipality as read with the LUMS;
- 1.3.25 “**services**” means the provision of potable water, electricity and sanitation services connected to the reticulation or disposal networks of the municipality as the case may be, and may include roads and/or alternative methods of the provision of electricity and sanitation services;

- 1.3.26 “**single residential development**” means a single residential erf designed to accommodate a single dwelling, with the necessary outbuildings, designed for the use by a maximum of one family;
- 1.3.27 “**Spatial Development Framework**” or “**SDF**” means the Spatial Development Framework as adopted by the municipality from time to time in accordance with the provisions of Chapter 4 of the of SPLUMA;
- 1.3.28 “**Spatial Planning and Land Use Management Act**” or “**SPLUMA**” means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);
- 1.3.29 “**sustainable human settlement**” means a development consisting of two or more dwellings designed for a wide variety of developmental needs and activities of humans, which utilizes local resources efficiently, creates opportunities for people to achieve their full potential and which is convenient, offers choice and quality and promotes equality of access;
- 1.3.30 “**tenant**” means a person who occupies a dwelling for residential purposes in terms of a lease agreement;
- 1.3.31 “**unlawful occupier**” means a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other right in law to occupy such land;
- 1.3.32 “**urban development**” means those areas falling inside the urban fringe(s) as defined in the Spatial Development Framework of the municipality; and
- 1.3.33 “**urban renewal**” means improving depressed urban environments to improve investor confidence through channelling new developments to these areas.

SECTION 2

2. HOUSING ALLOCATION

2.1 INTRODUCTION

In terms of section 26(1) of the Constitution of the Republic of South Africa, Act 108 of 1996 “Everyone has the right to have access to adequate housing”, and section 26(2) requires that “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right”.

This Policy aims to ensure that the residents of the area of jurisdiction of the municipality have access to adequate housing opportunities a fair, equitable and transparent manner subject to the budgetary constraints of the municipality.

This Policy will also guide the municipality with regards to its allocation of beneficiaries to housing opportunities and manage the waiting list of households who have registered themselves, and are on the National Housing Needs Register within its the municipal area of jurisdiction.

2.2 POINT OF DEPARTURE

The municipality does not have formalized policy for providing access to housing opportunities in its area of jurisdiction. Continued household growth and housing backlog necessitates the adoption of formalized policy based on equitable, justifiable and transparent criteria.

2.3 APPROACH

In the development of this Policy, housing needs were categorized to enable the municipality to approach the challenges in the provision of access to housing opportunities in an integrated manner for all of its residents.

Where processes are provided for in existing legislation, the processes are not repeated herein.

2.4 POLICY OBJECTIVE

- The objectives of this Policy are to address existing housing needs within the municipality's area of jurisdiction in an equitable, fair and transparent manner by recognizing that housing needs are diverse in nature and that addressing divergent needs requires an integrated and holistic approach.

2.5 HOUSING CATEGORISATION

This Policy differentiates between the following housing categories that can establish ownership of land, secure tenure, lease agreements, or any other right to occupy land on a temporary or permanent basis:

2.5.1 Subsidized Housing which is funded wholly or partially from government funding as made provision for and described in the National Housing Code, 2009 –

2.5.1.1 Integrated Subsidy Programmes;

2.5.1.2 Community Residential Units ("CRU's");

2.5.1.3 Upgrading of Informal Settlements Programs ("UISP");

2.5.1.4 Financed Linked Individual Subsidy Programme ("FLISP")

2.5.1.5 Social Housing Programmes;

- 2.5.1.6 Institutional subsidies;
 - 2.5.1.7 Credit linked subsidies;
 - 2.5.1.8 Consolidation subsidy programmes;
 - 2.5.1.9 Enhanced Extended Discount Benefit Scheme; and
 - 2.5.1.10 Enhanced People's Housing Process.
- 2.5.2 **Rental Housing** – dwellings (flats and houses) owned and maintained by the municipality, excluding CRU's and Emergency Services Accommodation, which is leased to members of the public in terms of past practices and which will be leased to members of the public after adoption of this Policy in terms of the qualifying criteria contained in this Policy.
- 2.5.3 **Emergency housing** – temporary access to housing provided for in this Policy in compliance with the provisions of the Disaster Management Act.
- 2.5.4 **Commercial erven** – land owned by the municipality that can be developed to cater for the needs of the middle class and higher income group residents of the municipality's area of jurisdiction. Commercial erven does not include any land developed in terms of FLISP.
- 2.5.5 **Emergency Services Accommodation** – Flats and homes owned by the municipality in which it houses its fire fighters and associated managers, excluding the single quarters situated at fire stations which is occupied by fire fighters whilst working.
- 2.5.6 **Temporary alternative accommodation** – land owned by the municipality which has been provided with basic services at the cost of the municipality which must be utilized to accommodate persons evicted from land in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) in terms of an existing court order.
- 2.5.7 **Private developments** – land owned by private land owners which are developed for residential purposes for financial gain of the landowner and/or developer.

2.6 PRIORITISATION CRITERIA FOR SUBSIDIZED HOUSING

The prioritisation of criteria contained herein shall only apply to subsidized housing categories as contained in section 2.5 of this Policy and greenfield developments in terms of which land owned by the municipality is developed for subsidized housing purposes.

Applicants will be prioritised according to the criteria listed below, where after a first come first serve prioritisation from the National Housing Needs Register and the Housing Subsidy System, will be determined, i.e. where more than one applicant is prioritised based on the same criteria, the applicant who registered first on the National Housing Needs Register and the Housing Subsidy System, will receive priority.

The prioritisation criteria in order of preference are the following:

1. Child-headed households
2. Senior Citizens
3. Disabled Citizens
4. Unemployed Women- headed households, with dependants.
5. Unemployed HIV/AIDS- headed households, with/ without dependants
6. Unemployed Households with dependants
7. Unemployed, without dependants
8. Employed Women- headed households, with dependants.
9. Employed HIV/AIDS- headed households, with/ without dependants
10. Single Women
11. All other categories not mentioned, including Foreign Nationals with South African status.

Where a specific criterion is not applicable to a specific subsidized housing category as contained in section 2.5 of this Policy, the next criteria should become the following priority.

2.7 HOUSING APPLICATION PROCEDURES FOR SUBSIDIZED HOUSING

The processes contained in the whole of section 2.7 shall only apply to subsidized housing categories as contained in section 2.5 of this Policy.

The general procedure that will be followed for all housing application types relating to subsidized housing is described below:

- 2.7.1 All applicants must first apply and submit their application at the Housing Division of the municipality at the Housing Support Centre of the municipality.
- 2.7.2 Application forms will be made available at the Housing Division of the municipality at the Housing Support Centre of the municipality.
- 2.7.3 Applicants shall declare in the application forms, their current residential address, income profile, marital status, gender, age and disability.
- 2.7.4 Applicants shall state the area and type of housing they prefer to be allocated a house (be a block of flats, individual house or semi-detached house)
- 2.7.5 All applications will be captured on the National Housing Needs Register and if possible, on the Housing Subsidy System.
- 2.7.6 A new system to capture names may be introduced by the municipality and the information captured in such a system will be updated from time to time, as determined by the Housing Manager.
- 2.7.7 All updated information must be confirmed with a saved, scanned version signed by the applicant and, where applicable, by the Housing Manager or an employee of the municipality who has been assigned to assist applicants.
- 2.7.8 No application will be deleted from the National Housing Needs Register – only the status of the application will be indicated and confirmed by the Housing Manager.

- 2.7.9 After submitting an application, an applicant shall be issued with proof of an application.
- 2.7.10 The National Housing Needs Register is open for public viewing at the Housing Division of the municipality during normal working hours at the Housing Support Centre of the municipality for transparency and verification of information. It may also be made available on the Municipality's website for easy access by the public.
- 2.7.11 Any comments or complaints together with substantiating evidence on the waiting list must be submitted in writing to the Housing Manager who will ensure that the matter is investigated. A formal report on any comment or complaint received should be submitted to the Allocation Committee for a decision. The decision of the Allocation Committee must be communicated in writing to the complainant or person who has submitted the comment. Disputes arising from the above process are first discussed with the Housing Manager, and may be directed to the Executive Director Infrastructure and Services, and further on to the Municipal Manager should the dispute relate to the decisions of the Housing Manager or Allocation Committee, as the case may be.
- 2.7.12 No fees shall be payable to the municipality by any Applicant for completing any application to benefit from a housing subsidy or to access the National Housing Needs Register.
- 2.7.14 In the case of an Enhanced People Housing subsidy a separate agreement will be signed with the applicant that will indicate how the payments will be made, what the funding can be used for, proof of expenditure to be submitted, approval required by the building inspector before payments are made, implications of defaulting on construction procedures, termination of the contract, etc.
- 2.7.15 In the case of a serviced stand applications will be prioritised on a first come first serve basis as indicated according to the date of application as recorded in the National Housing Needs Register.

2.8 PROCESSING OF APPLICATIONS AND ALLOCATING LAND FOR SUBSIDIZED HOUSING

- 2.8.1 The processes contained herein shall only apply to subsidized housing categories as contained in section 2.5 of this Policy as limited below.
- 2.8.2 The complete application form will be captured on the National Housing Needs Register as well as the Housing Subsidy System and shall be brought to the attention of the Head of Housing.
- 2.8.3 The Allocation Committee that will administer all allocation processes in terms of legislative provisions as made provision for in this Policy, must be established by the Municipal Manager.
- 2.8.4 The Allocation Committee will comprise of at least 7 (Seven) members being employees of the municipality appointed by the Municipal Manager of the municipality to the Allocation Committee which shall include the Manager Housing of the municipality. The Municipal Manager of the municipality may appoint and remove members of the Allocation Committee at any time.
- 2.8.5 The Allocation Committee must have at least 5 (Five) members present to constitute a quorum.
- 2.8.6 The Manager of the Housing Development Section of the municipality, or any other member of the Allocation Committee he or she has designated to act in his or her absence, shall act as chairperson of the Allocation Committee.
- 2.8.7 Decisions of the Allocation Committee shall be based on a majority vote and the Chairperson shall not have, in the event of a tie of votes, any additional vote.
- 2.8.8 A councillor of the municipality may serve as an observer of the Allocation Committee and shall therefore have no role in the proceedings of the Committee.
- 2.8.9 The Allocation Committee must meet at least every two months.

- 2.8.10 A member of the Allocation Committee must declare all interests which he or she may have in any application serving before the Allocation Committee and if any interest exists or can possibly be deemed to exist, such a member should recuse him or her from partaking in any decision relating to the matter in which he or she has or may have an interest. For the purposes hereof an actual or possible interest will be deemed to exist if the member of the Allocation Committee has a direct or indirect financial, personal, familial or any other direct or indirect interest in the application serving before the Allocation Committee.
- 2.8.11 Apart from the Manager Housing, no member of the Allocation Committee may serve as a member of the Rental Housing Allocation Committee and *vice versa*.
- 2.8.12 The Allocation Committee must provide a report to the Municipal Council of the municipality every 6 (Six) months for notification purposes in which its decisions and reasons for such decisions are recorded.
- 2.8.13 All decisions of Allocation Committee, together with all reasons for such decisions, must be recorded in writing.
- 2.8.14 The municipality shall inform all applicants affected by a decision of the Allocation Committee in writing of its decisions.
- 2.8.15 The decisions of the Allocation Committee must be in accordance with the content of this Policy, applicable legislation and any agreements that bind the municipality.
- 2.8.16 The Allocation Committee shall not decide on any matter relating to the provision of allocations or any matter relating thereto insofar as the implementation of the Emergency Housing is concerned.
- 2.8.17 Any party aggrieved by the decision of the Allocation Committee may submit an appeal in writing in which all reasons for his appeal are set out to the Municipal Manager of the municipality within 14 (Fourteen) days after being notified of the decision of the Allocation Committee.
- 2.8.18 The Municipal Manager shall, upon receipt of an appeal, appoint an Appeal Allocation Committee consisting of 3 (Three) persons to hear and decide upon the appeal received, provided that none of the Allocation Committee members shall serve on the Appeal Allocation Committee.

2.8.19 A member of the Appeal Allocation Committee must declare all interests which he or she may have in any application serving before the Appeal Allocation Committee and if any interest exists or can possibly be deemed to exist, such a member should recuse him or her from partaking in any decision relating to the matter in which he or she has or may have an interest. For the purposes hereof an actual or possible interest will be deemed to exist if the member of the Appeal Allocation Committee has a direct or indirect financial, personal, familial or any other direct or indirect interest in the application serving before the Appeal Allocation Committee.

2.9 INSTITUTIONAL HOUSING

The Social Housing Institutions situated within the municipality's area of jurisdiction ~~So~~ each have their own allocation criteria. These institutions are responsible for drawing up and maintaining their own lists when it comes to available housing.

The municipality should respect the role of the Social Housing Institutions and not encroach on the processes they adopt and implement.

The municipality must in terms of applicable legislation enter into a service level agreement with each Social Housing Institutions operating within its area of jurisdiction.

2.10 RENTAL HOUSING

2.10.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.10 shall only apply to CRU Housing as defined in section 2.5.1.2 and Rental Housing category as defined in section 2.5.2 of this Policy.
- b. As a basic point of departure it should be noted that the demand for Rental Housing by far exceeds the available Rental Housing.
- c. The Municipal Council of the municipality shall annually determine the rental payable in respect of new lease agreements being entered into.

- d. The Rental Housing Allocation Committee that will administer all allocation processes in terms of legislative provisions as made provision for in this Policy, must be established.
- e. The Rental Housing Allocation Committee will comprise of at least 5 (Five) members being employees of the municipality appointed by the Municipal Manager of the municipality to the Allocation Committee.
- f. The Rental Housing Allocation Committee must have at least 3 (Three) members present to constitute a quorum.
- g. The Municipal Manager shall appoint the Chairperson of the Rental Housing Allocation Committee.
- h. The chairperson of the Rental Housing Allocation Committee shall appoint an acting chairperson in his or her absence from the remaining members of the Rental Housing Allocation Committee.
- i. Decisions of the Rental Housing Allocation Committee shall be based on a majority vote and the Chairperson shall not have, in the event of a tie of votes, any additional vote.
- j. A councillor of the municipality may serve as an observer of the Rental Allocation Committee and shall therefore have no role in the proceedings of the Committee
- k. The Rental Housing Allocation Committee must meet at least every two months.
- l. A member of the Rental Housing Allocation Committee must declare all interests which he or she may have in any application serving before the Rental Housing Allocation Committee and if any interest exists or can possibly be deemed to exist, such a member should recuse him or her from partaking in any decision relating to the matter in which he or she has or may have an interest. For the purposes hereof an actual or possible interest will be deemed to exist if the member of the Rental Housing Allocation Committee has a direct or indirect financial, personal, familial or any other direct or indirect interest in the application serving before the Allocation Committee.
- m. All decisions of Housing Rental Housing Allocation Committee, together with all reasons for such decisions, must be recorded in writing.

- n. The municipality shall inform all applicants affected by a decision of the Rental Housing Allocation Committee in writing of its decisions. For the purposes of this section, affected parties will only be those persons who the Rental Housing Allocation Committee considered allocating the Rental Housing to.
- o. The decisions of the Rental Housing Allocation Committee must be in accordance with the content of this Policy, applicable legislation and any agreements that bind the municipality.
- p. Apart from the Manager Housing, no member of the Rental Housing Allocation Committee may serve as a member of the Allocation Committee and *vice versa*.
- q. The Rental Housing Allocation Committee must provide a report to the Municipal Council of the municipality every 6 (Six) months for notification purposes in which its decisions and reasons for such decisions are recorded.
- r. Any party aggrieved by the decision of the Rental Housing Allocation Committee may submit an appeal in writing in which all reasons for his appeal are set out to the Municipal Manager of the municipality within 14 (Fourteen) days after being notified of the decision of the Rental Housing Allocation Committee.
- s. The Municipal Manager shall, upon receipt of an appeal, appoint an Appeal Rental Housing Allocation Committee consisting of 3 (Three) persons to hear and decide upon the appeal received, provided that none of the Rental Housing Allocation Committee members shall serve on the Appeal Rental Housing Allocation Committee.

2.8.19 A member of the Appeal Rental Housing Allocation Committee must declare all interests which he or she may have in any application serving before the Appeal Rental Housing Allocation Committee and if any interest exists or can possibly be deemed to exist, such a member should recuse him or her from partaking in any decision relating to the matter in which he or she has or may have an interest. For the purposes hereof an actual or possible interest will be deemed to exist if the member of the Appeal Rental Housing Allocation Committee has a direct or indirect financial, personal, familial or any other direct or indirect interest in the application serving before the Appeal Rental Housing Allocation Committee.

2.10.2 APPLICABLE CRITERIA

The following criteria must be met by an applicant to be considered for the allocation by the municipality:

- a. the applicant must be an adult South African citizen or permanent resident;
- b. the applicant may not be the registered owner of any land situated within the municipality's area of jurisdiction that is zoned for residential purposes in terms of the LUMS;
- c. the proven netto income of the applicant and his or her spouse must be at least five times more than the monthly rental payable in respect of the Rental Housing in question. The applicant and members of his household who wishes to occupy the Rental Housing must thus be able to demonstrate that they can afford the Rental Housing;
- d. if an applicant is employed in terms of a temporary or fixed-term employment agreement, the lease agreement entered into with the applicant may not exceed the duration of the period of employment of the applicant.
- e. the allocation of Rental Housing must not result in overcrowding of the Rental Housing Unit in question. The applicant must, under oath, declare the names and surnames of all adults and children who he or she intend to share Rental Housing being applied for;
- f. no more than 30% (thirty percent) of Rental Housing may be allocated to employees of the municipality or any organ of state. This percentage shall be determined taking into account all occupiers of Rental Housing at any given point in time;
- g. applications for Rental Housing will be prioritised on a first come first serve basis from the waiting list and/or needs register, unless compelling reasons exist to assist one applicant before another. Compelling reasons shall be deemed to exist in instances where the personal circumstances of an applicant relating to health, disability and vulnerability warrant a deviation from the waiting list/and or needs register. Where compelling reasons exist, the applicant must still comply with the all of the other criteria set out in section 2.10.2 hereof;
- h. Persons requiring temporary alternative accommodation can apply for Rental Housing but the allocation of Rental Housing to such applicants must be in accordance with the provisions of the whole of section 2.10 of this Policy;

- i. the applicant must render his or her services as employee within the municipal area of jurisdiction of the municipality or if self-employed, conduct his income generating business within the municipal area of jurisdiction of the municipality. If the applicant is a pensioner, such applicant must reside permanently in the municipal area of jurisdiction;
- j. no rights that accrue to an applicant in terms of a decision of the Rental Housing Allocation Committee can be ceded or transferred by the Applicant to any other person;
- k. the applicant must not own any amount to the municipality due to any reason whatsoever;
- l. in the event of an applicant being married, irrespective of whether he or she is married in or out of community of property, the applicant and his or her spouse shall be deemed to constitute one applicant unless the applicant can provide evidence that the applicant and his or her spouse are in the process of divorcing one another.

2.10.3 APPLICATION PROCEDURE

- a. Applicants will need to apply in writing to the municipality by completing the prescribed form as determined from time to time by the municipality.
- b. All supporting documents in the required by the municipality from time to time must be submitted with the completed application form.
- c. Any application from which is not properly completed and/or not supported with the required supporting documents shall not be considered in any form or manner for allocation purposes of Rental Housing by the municipality.
- d. All applicants must first apply and submit their application at the Housing Support Centre.
- e. Application forms will be made available during normal work hours at the Housing Support Centre.
- f. Applicants shall state the area and type of housing they prefer to be allocated a house (be a block of flats, individual house or semi-detached house)
- g. All applications will be captured on the National Housing Needs Register.

- h. A new system to capture names may be introduced, and the information captured thereon will be updated from time to time, as determined by the Housing Manager.
- i. All updated information must be confirmed with a saved, scanned version signed by the applicant where applicable or by the Housing Manager.
- j. No application will be deleted from the National Housing Needs Register – only the status of the application will be indicated and confirmed by the Housing Manager.
- k. After submitting an application, an applicant shall be issued with a Rental Housing Application receipt with an official municipal stamp reflecting the date of application, the type of accommodation applied for and the signature of the Housing Manager or his/her delegate.
- l. The National Housing Needs Register is open for public viewing at the Housing Division of the municipality during normal working hours at the Housing Support Centre for transparency and verification of information.
- m. Any comments or complaints together with substantiating evidence on the waiting list must be submitted in writing to the Housing Manager who will ensure that the matter is investigated. A formal report on the comment or complaint received should be submitted to the Rental Housing Allocation Committee for a decision. The decision must be communicated in writing to the complainant. Disputes arising from the above process are first discussed with the Housing Manager, and may be directed to the Executive Director Infrastructure and Services, and further on to the Municipal Manager should the dispute relate to the decisions of the Rental Housing Allocation Committee or its members.
- n. No fees shall be payable to the municipality by any Applicant for completing any Rental Housing application or to access the National Housing Needs Register.
- o. All applicants will have to confirm their particulars on the waiting list in writing on an annual basis, failing which their application shall be deemed to have lapsed.
- p. Any applicant who has already applied for access to Rental Housing prior to the adoption of this Policy shall be deemed to be on the waiting list, subject to the condition that such applicant shall confirm their application on an annual basis as made provision for.
- p. Any allocation as determined by the Rental Housing Allocation Committee is conditional in nature insofar as it is subject to the acceptance by the applicant of a lease agreement which the municipality shall prepare and provide to the applicant.

- q. If a Rental Housing Unit is allocated to an Applicant, the Applicant must accept such an allocation (the provision of the written lease agreement) within 15 (Fifteen) days after being notified in writing of such allocation at the address chosen by him or her in application form for notification purposes, failing which the allocation shall be deemed have lapsed. For the purposes of this Policy acceptance shall be deemed to have taken place by an applicant upon signing the lease agreement provided to him by the municipality and providing such a signed copy to the municipality.

2.10.4 ADDRESSING THE CURRENT OCCUPIERS OF RENTAL HOUSING

- a. The management of the current occupiers of Rental Housing need to be addressed.
- b. In order to address the management of current occupiers of Rental Housing, the Manager Housing of the municipality must conduct a comprehensive investigation which addresses the following:
 - i) The current occupiers of each and every Rental Housing Unit;
 - ii) Confirmation that the current occupier of a Rental Housing Unit entered into a valid lease agreement with the municipality in respect of the Rental Housing Unit he or she occupies. In the absence of a valid lease agreement the facts relating to how the current occupier came into occupation of the Rental Housing Unit should be investigated and recorded;
 - iii) The payment record of the current occupier of a Rental Housing Unit regarding lease payments and payments for municipal services consumed, if applicable;
 - iv) The number of persons residing in a Rental Housing Unit with specific emphasis on the number of children, disabled persons and adults (including their employment status and income); and
 - v) Whether the current occupier of a Rental Housing Unit has an account for the provision of municipal services with the municipality.
- c. The comprehensive report made provision for should be submitted to the Municipal Council of the municipality within 12 (Twelve) months from the date of adoption of this Policy by the Municipal Council and thereafter within 12 (Twelve) months

calculated from the date of the previous report's submission to the Municipal Council.

- d. In the event of any current occupier of a Rental Housing Unit being found to be in breach of the rental agreement he or she entered into with the municipality, the municipality must immediately proceed with legal steps to cancel the lease agreement, recover the amounts owed to it and to evict the current occupier in a legally compliant manner.
- e. In the event of any current occupier of a Rental Housing Unit being found to have no right in law to occupy a Rental Housing Unit, the municipality must immediately proceed to recover the damages it has suffered and to evict the current occupier in a legally compliant manner.

2.11 EMERGENCY HOUSING

2.11.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.11 shall only apply to Emergency Accommodation as defined in section 2.5.3 of this Policy.
- b. Emergency Housing shall be allocated by the Municipal Manager of the municipality after consultation with the Head: Emergency Services of the municipality.
- c. Emergency housing shall only be allocated in terms of the Emergency Housing Procedure Policy which is attached as annexure "A" to this Policy.

2.12 COMMERCIAL ERVEN

2.12.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.12 shall only apply to commercial Erven as defined in section 2.5.4 of this Policy.

- b. The municipality shall, subject to the availability of land owned by it, existing policies regarding the disposal of land owned by it and budgetary constraints attempt to make as much commercial erven available for sale to the public.
- c. Subject to the availability of land owned by the municipality, the municipality shall devise a strategy on an annual basis to make available land for commercial erven. This strategy shall be presented to the Municipal Council of the municipality on an annual basis for its approval. The provision of these strategies and the approval thereof shall coincide with the annual budgetary period of the municipality.

2.13 EMERGENCY SERVICES ACCOMMODATION

2.13.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.13 shall only apply to Emergency Services Accommodation as defined in section 2.5.5 of this Policy.
- b. Emergency Service Accommodation shall only be accessible to employees of the municipality employed as fire fighters and their associated managers.
- c. The municipality does not own sufficient Emergency Services Accommodation to accommodate all of its fire fighters and their associated managers
- d. Accordingly, the verbal criteria which have been developed over time regarding the allocation of Emergency Services Accommodation, is hereby formalized in the manner made provision for below.
- e. The Head: Emergency Services of the municipality will allocate Emergency Services Accommodation to the employees in the manner prescribed below.
- f. Emergency Services Accommodation forms part of the workplace of fire fighters and their associated managers and the provisions of the Criminal Law (sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) thus applies.
- g. Upon any Emergency Services Accommodation becoming vacant the Head: Emergency Services of the municipality will inform all fire fighters and associated managers of such vacancy by placing a notice of the vacancy on all notice boards at the fire stations operated by the municipality.

- h. The notice shall state the size and nature of the vacant Emergency Services Accommodation, the date from which it is available and when the applications for such a unit will close.
- i. All fire fighters and their associated managers, with the exception of those employees precluded in terms of the provisions of the Criminal Law (sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) from occupying Emergency Services Accommodation, can apply in writing to be granted access to the Emergency Services Accommodation unit in question.
- j. No late or verbal applications for access to Emergency Services Accommodation will be considered.
- k. Previous applications which did not result in the allocation of an Emergency Services Accommodation unit will again be considered.
- m. Certain Emergency Services Accommodation units may for operational reasons and within the sole discretion of the Head: Emergency Services of the municipality, be reserved for the incumbents of specific fire fighters and associated manager posts. Emergency Services Accommodation units reserved in terms of this section will not be advertised in the manner made provision for and simply allocated by the Head: Emergency Services
- n. In determining the allocation of an Emergency Services Accommodation unit, the following criteria, in order of preference, will be applied –
 - i) the operational needs of the municipality;
 - ii) previous applications received;
 - iii) the size of the Emergency Services Accommodation unit;
 - iii) the size of the family of the applicant or his/her dependants; and
 - iv) any other relevant criteria regarding the personal circumstances of the applicants.
- o. The Manager: Emergency Services will, after having considered the applications, award the relevant Emergency Services Accommodation unit. In considering the applications, the Manager: Emergency Services shall obtain and consider the views of all relevant line managers within Emergency Services.

- p. Any applicant who has been awarded the right to occupy an Emergency Services Accommodation unit must sign all documents required by the Manager: Emergency Services and register a municipal account with the municipality prior to taking occupation of the unit in question.
- q. Any employee lawfully occupying an Emergency Services Accommodation unit shall pay the municipal account of the Emergency Services Accommodation unit in question promptly, failing which his or her right to occupy such Emergency Services Accommodation unit may be terminated by the municipality.
- r. The Manager: Emergency Services may impose any rules he or she deems fit regarding the usage and occupation of Emergency Services Accommodation, said rules which will be placed on all notice boards at the fire stations operated by the municipality. A failure to adhere to the rules imposed by the Manager: Emergency Services may result in the termination by way of notice of the right of an employee to occupy Emergency Services Accommodation.
- s. The Manager: Emergency Services may appoint or allow for the election of an Emergency Services Accommodation Committee which will communicate the views the employees residing in the Emergency Services Accommodation to the Manager: Emergency Services. Any Emergency Services Accommodation Committee appointed or elected shall have the sole function of informing the Manager: Emergency Services of any shortcomings or problems experienced by those employees occupying Emergency Services Accommodation. Any Emergency Services Accommodation Committee appointed or elected shall have no right to determine the allocation of any Emergency Services Accommodation unit.

2.14 TEMPORARY ALTERNATIVE ACCOMMODATION

2.14.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.14 shall only apply to Temporary Alternative Accommodation as defined in section 2.5.6 of this Policy.
- b. Evictions are an emotive issue that needs to be addressed in manner where the humanity and basic human rights of those humans evicted should be considered and respected by employees of the municipality at all times.

- c. The municipality acknowledges that it is duty bound to provide access to temporary alternative accommodation to those in need thereof and that it should accordingly budget for and provide practical access to temporary alternative accommodation.
- c. In order to give effect to its duty to provide access to temporary alternative accommodation, the municipality has, subject to its budgetary restrictions and limitations, decided to provide temporary alternative accommodation via the following mechanisms:
 - i) the provision of land in transit areas;
 - ii) the allocation of subsidized housing in accordance with the provisions of this Policy; and
 - iii) the allocation of Rental Housing in accordance with the provisions of this Policy.
- d. Transit areas are developed on land owned by the municipality. Such land, which is divided into informal stands by the municipality, is serviced with basic services by the municipality to allow the occupiers thereof to have access to potable water and basic sanitation services. In the event of funds being available and budgeted for, transit areas may be upgraded to include the provision of all services.
- e. Persons requiring access to land who have been evicted or are about to be evicted from land situated within the municipal boundaries of the municipality in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) will be provided with access to land in transit areas in the manner provided for herein.
- f. Any person requiring access to land who have been evicted or are about to be evicted from land situated within the municipal boundaries of the municipality in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) will have to apply in writing to the Manager of Housing of the municipality to be provided with access to temporary alternative accommodation by completing the a from developed by the municipality for such purposes.
- g. The form will be made available at the Housing Division of the municipality at the following address: Housing Administration, 16 Tyson Road, Galeshewe, Kimberley during normal office hours.

- h. The Manager Housing of the municipality will decide upon any completed application form as received within 14 (Fourteen) working days after receipt thereof and inform the applicant and any other relevant role player, including the owner of the land if it is practical to do so and a court having to decide an eviction application in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) of his or her decision in writing, together with the reasons for the decision in question.
- i. Blank copies of the application forms will be made available by the municipality to the Clerks or Registrars of all Courts having jurisdiction to decide upon eviction applications relating to its municipal area of jurisdiction in terms of the provisions of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997).
- j. Any person requiring access to Subsidized Housing who have been evicted or are about to be evicted from land situated within the municipal boundaries of the municipality in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) will only be allocated access to such Subsidized Housing if they applied for access thereto in a legally compliant manner and if they can be accommodated in accordance with the provisions of sections 2.6, 2.7 and 2.8 of this Policy. Such persons are therefore not entitled to claim preference to access to Subsidized Housing.
- k. Any person requiring access to Rental Housing who have been evicted or are about to be evicted from land situated within the municipal boundaries of the municipality in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) will only be allocated access to such Rental Housing in accordance with the provisions of this Policy. Such persons are therefore not entitled to claim preference to access to Rental Housing.
- l. Access to transit areas shall be temporary in nature and does not create any permanent rights to land in the transit area in question. Applicants may be required by the municipality to sign an agreement prior to him or her being provided with access to Temporary Alternative Accommodation.
- m. Nothing contained in section 2.14 of this Policy prohibits any person requiring access who have been evicted or are about to be evicted from land situated within

the municipal boundaries of the municipality in terms of the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (19 of 1998) or the Extension of Security of Tenure Act, 1997 (62 of 1997) to apply for commercial erven subject to the condition that such an application does not entitle the affected person to claim preference to access to commercial erven.

- n. The municipality shall, subject to budgetary and other constraints, determine the assistance it will render to persons wishing to access Temporary Alternative Accommodation.

2.15 PRIVATE DEVELOPMENTS

2.14.1 A BASIC POINT OF DEPARTURE

- a. The criteria and processes contained in the whole of section 2.15 shall only apply to Private Developments as defined in section 2.5.7 of this Policy.
- b. The Municipal Council may elect to make land owned by it available for private developments in the manner provided for in terms of applicable legislative processes and its existing policies.
- c. Apart from the processes prescribed in applicable legislation, private developments shall only be considered after the sale of commercial erven has been considered.
- d. In addition to the conditions prescribed in applicable legislation regarding the sale of land for private developments, the following conditions shall be imposed in respect of land sold for Private Developments:
 - i) the nature of the services to be installed by the owner of the Private Development regarding the quality of roads and street lighting;
 - ii) the maximum purchase price which is payable by any purchaser of any portion of the land subsequently sold by the developer of the Private Development; and
 - iii) a reversionary clause which will entitle the municipality to take retransfer of the land sold for a private development at payment of the original purchase price if the developer thereof fails to develop the land in question within 2 (Two) years after transfer by the municipality to the developer of the land intended for the Private Development.

- e. Subject to the availability of land owned by the municipality, the Housing Sub-Directorate of the municipality shall devise a strategy on an annual basis to attract private sector participation in housing for private developments. This strategy shall be presented to the Municipal Council of the municipality on an annual basis for its approval. The provision of these strategies and the approval thereof shall coincide with the annual budgetary period of the municipality.

SECTION 5

5. REGULATING INFORMAL SETTLEMENTS, LAND INVASION AND EVICTIONS FROM LAND

5.1 PREAMBLE

The municipality is faced with the continuous proliferation of informal settlements and land invasion, particularly on the periphery of the urban areas. Most of these informal settlements have developed through the invasion of privately or state owned land which makes service delivery by the municipality difficult.

The process of transferring some of this land to the municipality is cumbersome, thus restricting the municipality from exercising its mandate in rendering basic services to the affected communities. Council also does not have a policy to deal effectively with the proliferation of informal settlements. It is believed that land invasion and thus the proliferation of informal settlements, is driven by the following factors:

- (a) a perception by rural migrants and people from poor small towns that settling in informal settlements in urban areas will result in a better standard of living;
- (b) initial occupants of informal settlements often rally the support of other potential occupants to strengthen their negotiation power with the land owner;
- (c) the perception that people in informal settlements are helped first before those on a housing waiting list also fuels the spread of informal settlements;
- (d) the lack of timeous planning to accommodate population growth;
- (e) community ignorance on the intended use of vacant land or open areas earmarked for development within existing settlements;
- (f) the lack of a co-ordinate approach among spheres of government to release land and/or funding for the planning and servicing of priority areas; and
- (g) the lack of policy and enforcement by authorities.

5.2 POLICY OBJECTIVES

The municipality acknowledges that many of its inhabitants reside in informal settlements. It recognizes that many of these informal settlements offer shelter to the poor and destitute but that it creates undesirable urban environments due to the lack of services and security of tenure. It is for this reasons that the policy aims to address the following:

5.2.1 To contain and prevent land invasion and the spread of informal settlements.

5.2.2 To plan for sustainable human settlements through the rapid release of land for development.

5.3 ADDRESSING LAND INVASIONS

5.3.1 The Policy: Land Invasion.

5.3.1.1 The municipality shall not tolerate the illegal occupation of land within its area of jurisdiction.

5.3.1.2 All measures available to Council shall be exhausted to prohibit the illegal occupation of land including effective communication and the provision of relevant information to persons partaking in or affected by illegal occupation of land.

5.3.1.3 Council shall apply to court for the eviction of illegal occupants and prosecute those who initiated the process.

5.3.1.4 Members of the public, including ward committee members shall, as a matter of urgency, report all cases of illegal occupation of land within their wards, whether it is council property or not.

5.3.1.5 Once a case of illegal occupation of land has been reported to the Municipal Manager, the administrative procedures outlined in the policy shall be adhered to.

5.3.1.6 The municipality shall only recognize illegally occupied land as an existing informal settlement if:

- (a) the land has been illegally occupied before the adoption date of this policy and an eviction order was not granted by the court;
- (b) it is a priority identified in the Integrated Development Plan (IDP) of the Municipality;
- (c) it conforms to the Housing Sector Plan (HSP) and the Spatial Development Framework (SDF) of the Municipality;
- (d) it will create a habitable sustainable human settlement;
- (e) it is in the interest of those staying in the area as well as the rest of the community to be upgraded; and
- (f) it conforms to the general principles outlined in the policy.

5.3.2 Administrative Procedures: Land Invasion

5.3.2.1 Pro-Active measures: Land Invasion.

- (a) The municipality shall take all reasonable measures to prohibit the illegal occupation of land.

The following pro-active measures shall therefore be put in place:

- (i) Sub-directorate: Housing to erect signboards on all open and undeveloped pieces of land stating the purpose of the land and that land invasion or dumping on the site is illegal.
- (ii) Sub-directorate Security: regularly patrol all council property and report invasions immediately.
- (iii) Directorate Economic Development and Planning together with the Directorate Infrastructure Services shall budget for the planning, pegging and servicing of new residential areas and for low cost housing funding to be obtained,

- (iv) Sub-directorate Planning together with the Sub-directorate Land and Property Management and the Directorate Infrastructure Services shall timorously identify land needed for future development and budget to acquire the land.
- (b) Where the above pro-active measure have failed to prohibit the illegal occupation of land, a distinction shall be made between land that has been illegally occupied for less than 6 months and those occupied for a period longer than 6 months, as required by the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998).
- (c) Furthermore, there shall be a distinction between administrative procedures applicable to the municipality's properties and those applicable to any other property.

5.4 ADDRESSING EXISTING INFORMAL SETTLEMENTS

5.4.1 The Policy: Existing Informal Settlements.

5.4.1.1 The municipality will only recognize informal settlements that existed in its municipal area before the adoption of this Policy or where the court did not grant a court interdict for eviction of illegal occupants.

5.4.1.2 The municipality will only consider in-situ upgrading of an existing informal settlement if:

- (a) It is recognized as an existing informal settlement;
- (b) It is a priority identified in the Integrated Development Plan (IDP) of the Municipality;
- (c) It conforms to the Housing Sector Plan and the Spatial Development Framework (SDF) of the Municipality;
- (d) It will create habitable sustainable human settlements;

(e) It is in the interest of those staying in the area as well as the rest of the community;

(f) It conforms to the general principles outlined in the Policy;

5.4.1.3 The municipality will give priority for relocation of residents from an informal settlement if:

(a) The settlement does not comply with any of the conditions set out in 5.4.1.2 above;

(b) The health, safety and well-being of people staying in and around the area are adversely affected;

(c) The area proves to be too small to accommodate all residents in a sustainable manner;

(d) The area is not suitable for human settlement;

(e) Basic services cannot be installed in an affordable and efficient manner.

5.4.2 Administrative procedures: Existing Informal Settlements

(a) The implementation of this Policy shall act as a pro-active measure to curb the proliferation of informal settlements.

(b) The implementation of new developments shall also pro-actively address the need for residential sites, thus impacting on the proliferation of informal settlements.

(c) Where this Policy has failed to pro-actively address the proliferation of informal settlements, a distinction shall be made between areas that are suitable for human occupation and those that might adversely affect the health and well-being of the community or adjacent communities.

(d) Those areas suitable for human occupation shall be treated as *in-situ* upgrading projects while those not suitable shall be treated as relocation projects.

- (e) A further distinction shall be made between the availability of municipal property for relocation and cases where suitable land will have to be acquired by council for the purpose of relocation.

5.4.2.1 Administrative Procedures: In-situ upgrading project.

- (a) If an eviction order fails in terms of this Policy or if the municipality decides to upgrade an existing informal settlement, the Sub-directorate Housing, in collaboration with the Ward Councillor and Ward Committee. Members, shall compile a Site Register of all occupants of the informal settlement
- (b) A cut-off date must be decided by municipality to include those residing in the informal settlement in the site register.
- (c) The site register shall make a distinction between occupants who qualify for housing subsidies and those who do not qualify, South African citizens and those who are illegal immigrants including those who desire to be relocated elsewhere, etc.
- (d) Sub-directorate Housing shall capture this information into the National Housing Needs Register.
- (e) Sub-directorate Housing shall report all illegal immigrants to the Department of Home Affairs in terms its statutory and contractual duties.
- (f) Sub-directorate Housing shall consult with the Sub-directorate Planning to investigate the suitability of the land.
- (f) The Sub-directorate Land and Property Management shall verify land ownership and identify alternative land for relocation if necessary.
- (h) The Directorate Infrastructure Services shall assess the possibility of servicing the land.
- (i) The Sub-directorate Environmental Management shall assess the potential impact of the proposed development.

- (j) The Executive Director: Economic Development and Planning shall table a combined report to council outlining the feasibility of upgrading the informal settlement versus the relocation of the affected community and shall incorporate the various recommendations made from the various directorates involved (outcomes of (d) to (g) above).
- (k) the municipality may approve a budget and instruct the Directorates: Economic Development and Planning and Infrastructure Services to begin a process of tendering to plan, survey and service the land.
- (l) Once the process of formalization has been completed, the Sub-directorate Housing shall allocate sites to potential beneficiaries in terms of the housing allocation policy outlined in this document.
- (m) The construction of houses shall then begin after budget for houses is secured.

5.4.2.2 Administrative Procedures: Relocation to land owned by the municipality.

- (a) The same process will be followed as with the in-situ upgrading project (Points (a) to (g)). However, if the Sub-Directorate Planning have identified that the area occupied by an existing informal settlement is not suitable for human settlement (point (f)) and land is available for relocation (point (g)), the Executive Director: Economic Development and Planning shall submit a report to the municipality recommending relocation.
- (b) The Municipal Manager shall take a decision on the process of relocation and the way sites will be allocated in terms of this Policy.
- (c) The Executive Mayor may be involved in the negotiating with the affected community around the modalities of relocation.
- (d) Before a community can be relocated, the Sub-Directorate Planning shall prepare a preliminary layout plan for approval.
- (e) Once the preliminary layout plan has been adopted, the Sub-directorate Planning shall ensure that the sites to be marked and clearly identified for occupation.

- (f) The affected community shall be relocated onto the identified sites per guidelines set by the municipality.
- (g) Once the community has been relocated according to the guidelines given by council, the Directorate: Infrastructure Services shall supply basic infrastructure to this community.
- (h) The Sub-directorate Planning shall lodge an application for township establishment with the relevant authorities to formalize the area.
- (i) The Sub-directorate Housing shall lodge a housing subsidy application for those beneficiaries who qualify.

5.4.2.3 Administrative Procedures: Relocation to Other Property.

- (a) The same process will be followed as with relocation to Council owned properties. However, if the Sub-directorate Planning has identified that the area occupied by an existing informal settlement is not suitable for human settlement and municipal land is not available for relocation, the Sub-directorate Land and Property Management, in consultation with the Sub-directorate Planning and Directorate Infrastructure Services, shall identify suitable land that could be acquired by council.
- (b) The Executive Director: Economic Development and Planning shall submit a report to council outlining the process of relocation to be adopted as well as the process of acquiring land for relocation purposes.
- (c) the municipality shall take a decision on the acquisition of the land and the process of relocation. The municipality shall also outline the steps to be followed in the relocation process.
- (d) The Executive Mayor may be involved in negotiating with the affected community around the modalities of land acquisition and relocation.
- (e) If the municipality agrees to the acquisition of other land, the Sub-directorate Land and Property Management shall make an offer to the prospective seller. If the seller accepts the offer, the necessary administrative procedures to transfer the land shall be taken.

- (f) Once the land has been transferred, the Sub-directorate Land and Property Management shall inform the Municipal Manager so that the negotiated relocation process could begin.
- (g) Before a community could be relocated, the Sub-directorate Planning shall prepare a preliminary layout plan for adoption.
- (h) Once the preliminary layout plan has been adopted, the Sub-directorate Planning shall ensure that the sites are pegged and clearly identified for occupation.
- (i) The affected community shall be relocated onto the identified sites in accordance with the guidelines set out by the municipality.
- (j) Once the community has been relocated according to the guidelines given by council, the Directorate: Infrastructure Services shall supply basic infrastructure to this community.
- (k) The Sub-directorate Planning shall lodge an application for township establishment with the relevant authorities to formalize the area.
- (l) The Sub-directorate Housing shall lodge a housing subsidy application for those beneficiaries who qualify

5.5 PROHIBITION OF RECEIPT OR SOLICITATION OF PAYMENT

No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organising or permitting a person to occupy land without the consent of the owner or person in charge of that land.

ANNEXURE “A” –

EMERGENCY HOUSING PROCEDURE AND POLICY OF THE SOL PLAATJE MUNICIPALITY

1. INTRODUCTION

In terms of Section 53(2)(k)(ii) of the Disaster Management Act (Act No 57 of 2002) the must have a Disaster Management Plan for its municipal area of jurisdiction addressing prompt response and relief in case of a disaster.

The municipality’s Emergency Services is responsible for the rendering of an emergency service to the residents of the municipal area of the municipality. These services include:

- Fire fighting activities;
- Rescue activities;
- Training activities;
- Administration and support services;
- Basic emergency medical services;
- Disaster management activities; and
- Humanitarian services.

The area of jurisdiction is the entire municipal area for the municipality is an area which stretches approximately 40km north and south from Kimberley and approximately 60km west of Kimberley. The Free State border forms the eastern border of the municipality.

The Emergency Services of the municipality operate from four fire stations which are situated as follows:

- Kimberley- Main fire station;
- Galeshewe- Satellite fire station;
- Ritchie- Satellite fire station; and
- Langley- Satellite fire station which is opened during special events and peak holiday periods at the resorts.

Over the past years with the change in weather patterns, and the challenges faced by these changes, the Emergency Services of the municipality had to assist on several occasions with emergency housing after extreme weather conditions were experienced. Some of these extreme weather conditions were strong winds associated with rain storms, flash floods and fires. After these incidents several households were stranded and the Emergency Services had to assist with "*emergency housing*".

This procedure establishes a basis for the implementation of the provision of emergency housing, which include the applicable legislation which is utilised in the decision making process.

2. OBJECTIVE

The objective of *emergency housing* is, to provide temporary aid and assistance in the form of shelter and basic services in an event of emergency situations to persons who are destitute and in desperate need. It must be noted that the provision of this type of assistance does not detract from the municipality's overall objectives in terms of section 26 of the Constitution of the Republic of South Africa, (Act No 108 of 1996), and does not promote queue jumping in that the provision of this type of temporary assistance is limited to emergencies.

DEFINITIONS

In this policy, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings:

Beneficiaries	Persons who are residents in the jurisdiction of the municipality and find themselves in an emergency and who are desperately poor, homeless and unable to address their housing emergency from own resources or from other resources such as willing relatives or friends due to an emergency of natural incident and not due to disaster
Prescribed form	The application form/affidavit attached to this policy for emergency housing assistance

Professional opinion	The professional opinion and recommendation of a consultant who specialize in that field of expertise
Temporary	Based on the emergency kit provided by Department of Human resources
Residential unit	Settlements which includes a 5m X 5m (2 bedrooms) when the sheet cannot be re-used. In a situation where sheets can be harvest only 4 poles, rook sheets, nails, door and frame will be provided
Disaster	Means a disaster as described in the Disaster Management, Act 2002 (Act No. 57 of 2002)
Emergency	Means a serious situation of occurrence that happens unexpectedly and demands immediate action which shall exclude the eviction of people from any land as a result of a legal eviction order

3. **SCOPE, APPLICATION AND CRITERIA**

a. **SCOPE**

This policy will only apply to persons who are destitute and who find themselves in desperate need and/or crisis situations, such as being referred to above and defined below as "Emergencies", and only these persons will qualify for temporary emergency housing assistance in terms of this policy.

b. **APPLICATION**

The purpose of this procedure is **not to:**

- assist landowners, in the absence of legal eviction proceedings, with the provision of temporary alternative accommodation for occupiers of their properties;
- provide temporary alternative accommodation to occupiers where such responsibility is that of the landowner;
- promote or foster queue-jumping by beneficiaries not listed on the Municipality's ordinary waiting list for housing. In an event where there is a main house shanty inside the same yard; and

- assist in a situation where there is a shanty next to main house, unless the shanty and the house have been burned down.

c. CRITERIA

Assistance provided under this policy will only be of a temporary nature, and is not intended to provide a permanent solution and should be considered as such. This policy will only come into effect during an emergency. An emergency exists when the Municipality, after application by the affected persons on the prescribed form, has confirmed that the persons affected qualify as a "Beneficiary".

The emergency cases referred to are a person or group of people are:

- Destitute and 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;
- Destitute and 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;
- Living in professionally declared dangerous conditions such as land being prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes;
- Living in the way of engineering services or proposed services such as water, sewage, power, roads or railways, or in reserves established for any such purposes;
- Legally evicted or threatened with imminent eviction in accordance with a final eviction order from a competent court from land or from unsafe buildings, or are in unsafe situations where based on professional advice warrants pro-active steps ought to be taken to forestall such consequences;
- In situations where their homes are unlawfully demolished or pro-active steps ought to be taken to forestall such unlawful consequences; are displaced or threatened with imminent displacements as a result of a state of civil conflict or unrest, or are in situations where pro-active steps ought to be taken to forestall such consequences; and
- Living in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance.

4. COMMUNICATION LINKS WITH DISASTER MANAGEMENT ROLE-PLAYERS

Section 44(1)(b) of the Disaster Management Act, (Act No 57 of 2002) states that:

“A municipal disaster management centre-

(b) Must promote an integrated and coordinated approach to disaster management in the municipal area, with special emphasis on prevention and mitigation by-

(i) departments and other internal units within the administration of the municipality, and in the case of district municipality, also by departments and other internal units within the administration of the local municipalities in the area of the district municipality.

(ii) All municipal entities operating in the municipal area; and

(iii) Other role-players involved in disaster management in the municipal area.”

With reference to the above mention it is of the utmost importance that the municipality establish communication links with necessary role players to successfully co-ordinate and distributions of resources.

5. FUNDING

The municipality recognizes that it has a shared obligation, within its available resources, to implement this procedure and will, within its available resources and insofar as is possible, assist those people who require immediate assistance, in terms of this policy.

The municipality’s emergency fund for emergency housing is available to be used during the displacement of people. This emergency fund excludes funds obtained from other relevant Provincial Departments in terms of the relevant application of funds which will be

made available after the declaration of a Disaster in terms of the Disaster Management Act. Funds from other sources of the municipality as well as external funding contributions received will be deposited into the municipal bank account in order to address the objectives of this policy.

The municipality will also apply for any/all possible funding available from outside sources.

6. CATEGORIES OF ASSISTANCE

The various categories of assistance provided under this procedure depend on the specific circumstances and are dictated by the specific situation, as the case may be. The various categories are the following:

- Accommodation kept in reserve for possible disasters:

This entails the accommodation of persons in community halls or other buildings designated for this purpose as a temporary measure. (See the attached list of community halls owned by the Municipality that can be utilized for this purpose)

Attachment "A"

- Temporary accommodation that is readily available:

This entails the temporary accommodation of persons at any places as decided by the municipality from time to time. Persons assisted will be provided with a temporary residential unit, normally in the form of a "shanty", of a dignified nature and have access to basic services.

- Shelters

This entails the temporary accommodation for persons at one of the shelters operated or funded by the municipality; it is in the discretion of the municipality to determine which categories of assistance apply to specific persons and which category of assistance to use in a specific situation, depending on, and with reference and having regard to, the specific circumstances of particular persons. The assistance is only of a temporary nature and should not be considered as a permanent measure. The municipality can and reserves the right to, in its discretion, temporarily move persons to another suitable site. Any person assisted under this procedure will be required to enter into an agreement with the municipality in order to regulate the terms and conditions of such person's accommodation, in particular the temporary nature thereof and any ancillary and/or related obligations.

7. **EVALUATION OF PERSONS IN NEED**

In the event where emergency housing needs to be provided by the municipality, the "category of assistance" will be determined by the municipality after completing an assessment of the situation. The assessment will include factors like the following but not limited to:

- Type of emergency like storm, flood, fires etc.;
- Severity of the emergency;
- Number of people displaced in need of emergency housing;
- Type of the emergency housing needed;
- Estimated time period the emergency is needed;
- Local assistance through NGO's, FBO's, community;
- Time it will take to re-establish the community back into their original state; etc.

The Emergency Services, in cooperation with other departments of the municipality and will be responsible to evaluate every household / person in need of emergency housing. The process will be initiated by the Staff Officer on duty after consultation with the Senior Manager: Emergency Services, the Executive Director Community and Social Development Services, the Municipal Manager and the Executive Mayor.

During the evaluation of persons in need of emergency housing, the following information must be gathered and kept on record of the following:

- Name of the person;
- Gender of the person;
- Race;
- Age of the person;
- Medical history of the person with special focus on chronic medication needs;
- Social needs such as religious considerations; and
- Cultural considerations.

8. **EMERGENCY HOUSING EVALUATION**

Emergency housing facilities must comply with the following standards. In the event where the area does not comply with the requirement, the question must be asked "whether external measurements can be implemented to comply" with requirements:

- Is this area accessible by heavy duty vehicles such as trucks, busses, etc.;
- Is the area large enough to accommodate all the persons displaced;
- Can the area be divided to accommodate families with enough privacy per family;
- Can the area be divided to accommodate people from different sexes, races, religions;
- Is the area large enough for the erection of temporary control centres;
- Does the area have sufficient ablution facilities;
- If the area is safe for the people to be housed temporarily;
- Does the area have sufficient fresh water for human consumption;
- Does the area have space for temporary medical facilities;
- Does the area have sufficient electrical supply;
- Does the area have sufficient for safety precautions;
- Does the area have sufficient space for the safe keeping of private property of the people displaced; and
- Does the area have sufficient space for the safe keeping of animals and pets belonging to the people displaced?

9. CONTACT DETAILS

The following employees of organs of stated and the municipality can be contacted as and when emergency housing is required:

Organization	Contact Person	Contact number	Resources
Social Development	Elise Moorcroft (Provincial office)	0828217585 emoorcroft@ncpg.gov.za	Food parcel, 2 plate gas stove, bedding, nappies and milk. Clothing bank
Social development	Mervin Johannes (afterhours)	0765744525	Food parcel, 2plate gas stove, bedding, nappies and milk. Clothing bank
SASSA	Jeff Kalipa (Provincial office)	0823438921	Food parcel, 2plate gas stove, bedding, nappies and milk. Clothing bank
SASSA	Sipho Mpanzo	0636594051	Food parcel, 2plate gas stove, bedding, nappies and milk. Clothing bank
SASSA	Enock Faas	0798773838	Food parcel, 2 plate gas stove, bedding, nappies and milk. Clothing bank
Sol Plaatje Municipality, Housing	Neo Lithebe	0725092606 0812338817	Rebuilding of shanty

10. FORMS:

- a. Evaluation form used by the Emergency Services (Incident Assessment Form)
- b. Personal Information forms
- c. Medical information forms

INCIDENT ASSESSMENT FORM

1. HOME OWNERS NAME

.....

2. CELL NO

.....

3. DATE OF INCIDENT

.....

4. HOUSE NUMBER/ STREET ADDRESS

.....

5. CONTACT NUMBER

.....

6. TYPE OF DWELLING

.....

7. NATURE OF DAMAGE

.....

8. NUMBER OF FATALITIES

.....

9. ASSISTANCE GIVEN BY US TO DATE

.....

10. DOES THE OWNER HAVE INSURANCE?

.....

11. ARE THE SURVIVORS EMPLOYED?

.....

12. CAN THEY HELP THEMSELVES?

.....

13. WHAT ASSISTANCE DO THEY NEED?

.....

14. ARE THERE ANY PENSIONERS INVOLVED?

.....

15. ARE THERE ANY ELDERLY PERSONS AFFECTED?

.....

16. DID THEY ALREADY FIX THE DAMAGE?

.....

COMPILED BY: NAME & SURNAME:

RANK :
SIGNATURE _____

ATTACHMENT A - Sol Plaatje Municipality Community Halls

Supervisor: Gavin Shimalimbo 0769003894

<u>Name of Hall</u>	<u>Caretaker</u>	<u>Area/street</u>	<u>Contact No.</u>	<u>Security</u>
Banto/Batho Hall	Ellias Mogamisi	Tyson Road	0845195427	Fenced
Recreation Hall	Gavin Shimalimbo	Lang street	0769903894	Fenced
Social centre	Freddy Bendow	Hulana Road	0796491991	Fenced
RC Elliot Hall	Lekgetho Lipota	Ramatshela Street	0767561927	Fenced
City Hall	Steward Barends	Market Road	0727460664	Fenced
Floors/Civic Hall	Stranger Modise	Stockroos Roads	0787099409	Fenced
GW / Beacons field	Francis Hall	Central Road	0743722685	Fenced
West End Club	Gevin Shimalimbo	Schmitsdrift Road	0769903894/0713037956	Fenced
Rietvale Hall (Richie)	Mr Papa Louw Mr Marius Williams	Opperman Street	0732347687 0734229667	Fenced
Motswedimosa Hall	Mr Jack Madebe	Ritchie Street	0732427419	Fenced

