

# The National Housing Code

## FINANCIAL INTERVENTIONS

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Accreditation of Municipalities

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Enhanced Extended Discount Benefit Scheme

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Individual Subsidies

---

Operational Capital Budget

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Integrated Development Plans Part 1

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**Integrated Development Plans Part 2**

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Provision of Social and Economic Facilities

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Rectification of Pre-1994 Residential Properties

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Subsidy Quantum - Financial Intervention

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**human settlements**

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Volume 3

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## **ACRONYMS**

Integrated Development Plan	IDP
Member of Executive Council	MEC
Provincial Department responsible for human settlement	PD
Provincial Housing Development Plan	PHDP
Department of Cooperative Governance and Traditional Affairs	DCGTA
Decentralised Development Planning	DDP



# The Housing Code

## Part 2 Housing Chapters of Integrated Residential Plans

### 1 Guidelines

#### Annexure A



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## **PART TWO: GUIDELINES FOR THE IMPLEMENTATION OF THE NATIONAL HOUSING PROGRAMME FOR HOUSING CHAPTERS OF INTEGRATED DEVELOPMENT PLANS**

### **1.1 INTRODUCTION**

This section sets out detailed guidelines for the compilation of Housing Chapters of Integrated Development Plans. The Department of Cooperative Governance and Traditional Affairs (DCGTA), in collaboration with the Decentralised Development Planning (DDP) Task Team produced a series of IDP guide packs that provide detailed information on the entire IDP process. This Programme serves to inform and strengthen the housing component of the IDP process; it does not introduce any new processes.

The guidelines contained in this section explain how housing planning can be integrated with existing IDP processes through existing IDP structures and is also contained in a “Handbook in support of the model for the alignment of housing planning with integrated development planning” sponsored by the German Technical Cooperation (GTZ).

### **1.2 PROCESS**

The following section explores how housing can be incorporated into the IDP process by giving guidance on how to identify a Housing Voice in the IDP process which is a key activity in this event centred approach.

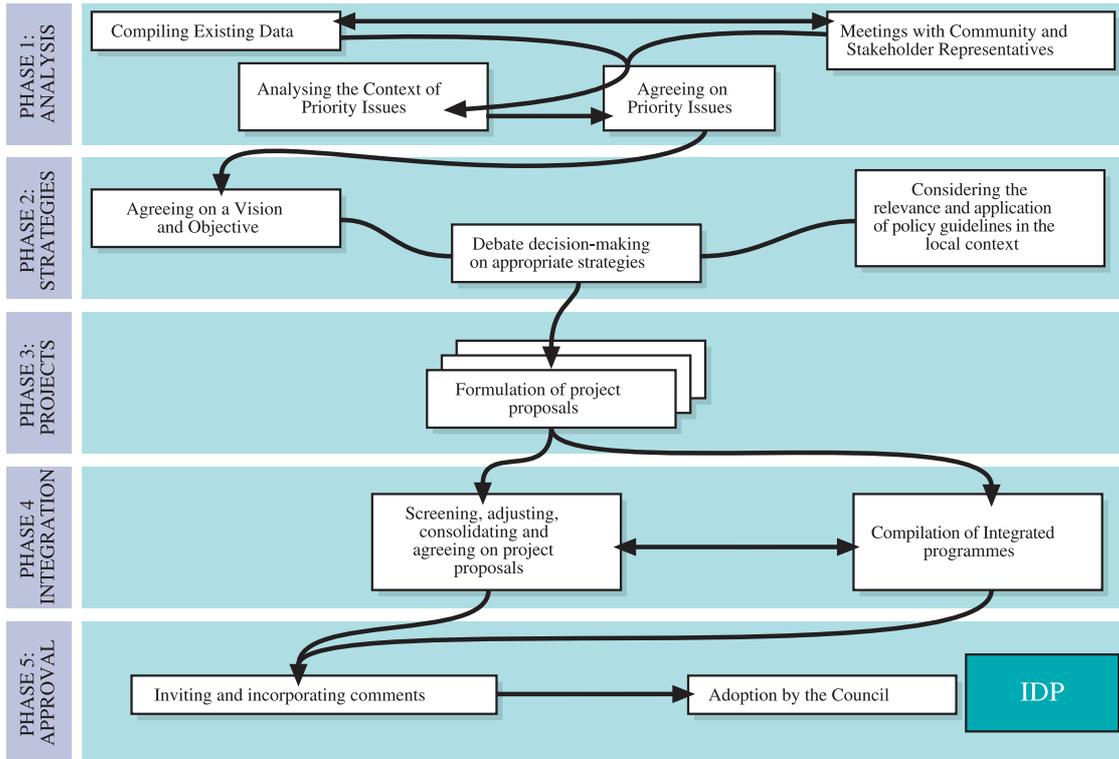
Figure 1 provides an overview of the key steps in the IDP process which need to be followed in order to achieve the required process and products aspects of Integrated Development Planning.

In Figure 2, the purpose of articulating a voice for the housing sector has been superimposed onto the IDP phases and activities.

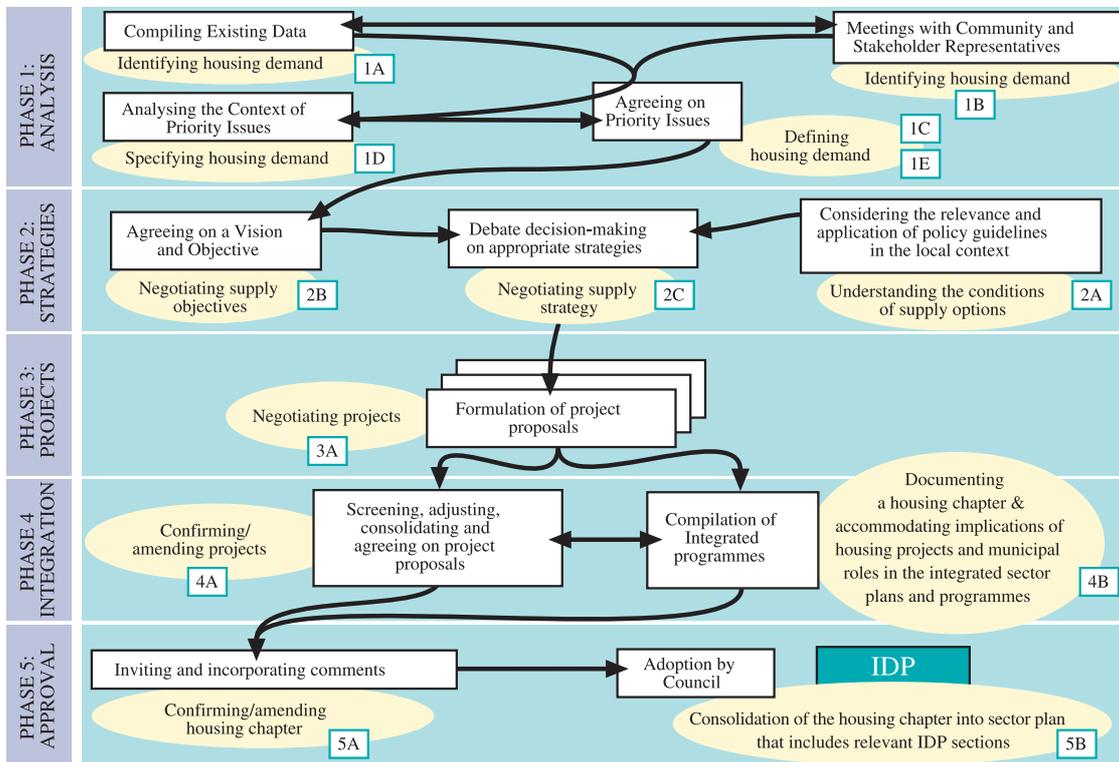
This diagrams are unpacked in the following subsections on a phase by phase basis. Each housing sector linkage activity is specified in terms of:

- Its objective;
- Its contents; and
- An identification of the source of the Housing Voice in the IDP activity.

**Figure 1: Overview of the IDP process (DPLG, 2001)**



**Figure 2: Housing Voice in IDP**



### 1.2.1 ANALYSIS

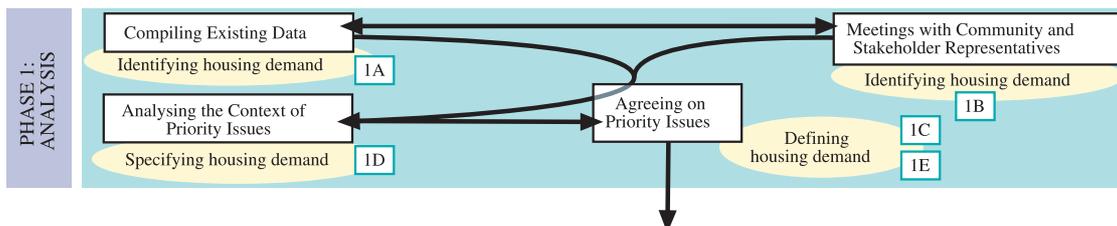
The Guide-Pack recommends the following key processes and activities as a part of this analysis phase:

- An analysis of service gaps and resource potentials;
- A participatory-based community and stakeholder level analysis;
- Cross-sectoral municipality-level analysis in respect of (a) economic, (b) environmental, (c) institutional, (d) spatial and (e) socio-economic matters;
- The prioritisation of issues; and
- An in-depth analysis of issues.

Through this process, issues affecting development in the municipality’s area can be identified and explored.

In turn, this is meant to enable the prioritisation of issues which then informs the focus of the forward planning intentions of the IDP. This aims to ensure that the scope of the IDP is focused on the burning issues within available resources constraints. Priorities should be issue-based, as opposed to sectors or pre-determined, non-strategic projects.

The specification of the priority is meant to include a clarification of the facts and figures related to the issue, differentiated by geographical area and social category affected, its trends, dynamics and context as well as the potential resources available to address it. This information is meant to be derived from the analysis activities undertaken prior to the prioritisation activities as well as in-depth analysis where available information is deemed inadequate.



<b>1 Identifying housing demand through analysis</b>	
<b>1A Technical analysis</b>	
<b>Why?</b>	To ensure that the housing planning activities which occur as part of the IDP are able to draw on existing housing-related documentation and data sources.
<b>How?</b>	A technical data assessment exercise drawing from existing sources of information including municipal and provincial officials and information. This may include provincial and municipal housing waiting lists, information about informal settlements, backyard shacks, etc. At this stage, the notion of housing demand is not clearly specified or defined and is not prioritised.
<b>1B Participatory Based analysis</b>	
<b>Why?</b>	To ensure that the housing planning activities which occur as part of the IDP reflect community-level concerns about housing demand.
<b>How?</b>	A participatory process of meetings with community and stakeholder representatives is the second opportunity for identifying housing demand. This includes community meetings, ward committees and councilors, the Representative Forum (on which PDs should sit), CBO's, NGO's. At this stage, the notion of housing demand is not clearly specified or defined and is not prioritised.
<b>1C Defining housing demand</b>	
<b>Why?</b>	To ensure that the definition of housing demand as part of the IDP balances data-based with community-based inputs.
<b>How?</b>	Through reconciliation of 1A and 1B as part of the IDP reconciliation activities, a first order prioritisation exercise is undertaken to identify priority issues. This prioritisation is not final and is subject to further analysis (1D).
<b>1D Specifying housing demand</b>	
<b>Why?</b>	To ensure the definition of housing demand is sufficiently specific to inform IDP objective, strategy and project formulation and enable the specification of a municipal-wide picture of housing demand.
<b>How?</b>	Once housing is identified as a priority issues as per 1C, in depth analysis activities should be undertaken. This activity should be particularly concerned with unpacking both visible and "silent" expressions of demand (such as conditions of overcrowding). It should also specify not only problem areas and gaps, but note what housing practices and assets (including those delivered by the informal and private sector) housing interventions can build on.
<b>1E Defining housing demand</b>	
<b>Why?</b>	To achieve agreement at municipal level about whether housing is a priority

1 Identifying housing demand through analysis	
	issue for the IDP or not and if so to specify which aspects of the housing demand are to be prioritised for the IDP.
<b>How?</b>	This is the second and final level of IDP prioritisation. If this reconciliation exercise does not identify housing as a major priority issue, then it is assumed that the remainder of the IDP process will not deal with housing issues. However, where housing projects are implemented in the municipal area, their implications should be reflected in the relevant operational plans and integrated sector plans and programmes. Where housing has been defined as a priority issue this should be used to inform the PHDP identification of housing demand. Similarly, where housing has not been defined as a priority issue, this should be used to inform the PHDP identification of housing demand.

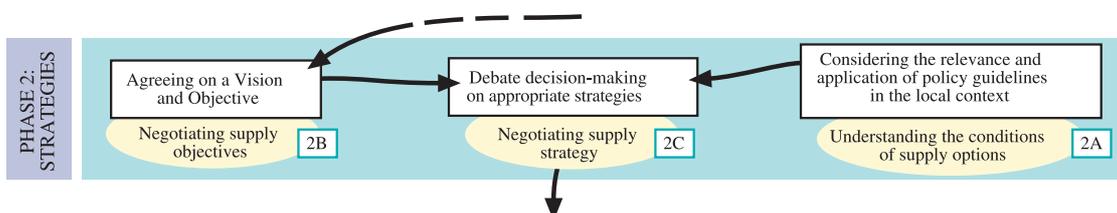
### 1.2.2 SETTING OBJECTIVES AND FORMULATING STRATEGIES

Once the priority issues have been identified and specified, the next step is to set objectives and formulate strategies to address these priority issues.

To support objective and strategy making, considering the relevance and application of policy guidelines in the local context is critical. This includes considering and internalising financial, institutional and environmental resources available to the municipality to deal with a particular issue.

A sound objective will address the underlying cause of an issue. Objectives should therefore be realistic, feasible and specific as to the intended benefit to be achieved and the time-frames within which it shall be achieved. This includes specifying measurable targets.

Once an objective has been articulated in relation to a particular priority issue, strategies can then be formulated that are both informed by the local context and the strategic guidelines of the other spheres. The strength of a strategy depends on it clarifying the major fields of intervention for the objectives to be met.



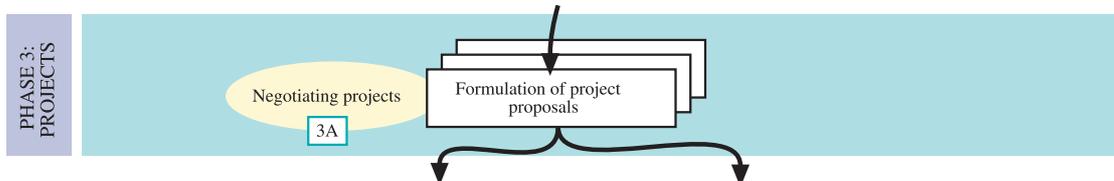
<b>2 Objectives and strategies to address housing demand</b>	
<b>2A Understanding the conditions of supply options</b>	
<b>Why?</b>	To equip local role-players with the information they need in order to consider what aspects of the housing priority issue can be supported from within the range of supply options currently available within the policy guidelines as well as what aspects of the housing priority issue will require alternative support to be sourced.
<b>How?</b>	This activity is about considering the relevance and application of housing sector policy guidelines to the municipal context. This includes considering national and provincial housing legislation, policy, strategy and regulations as well as municipal by-laws and policy. In particular, the provincial housing development plan must be considered. Provincial and municipal housing role-players have a key role to play in making available housing sector information for local level interpretation.
<b>2B Negotiating supply objectives</b>	
<b>Why?</b>	To specify targets for housing delivery in the municipal area of jurisdiction.
<b>How?</b>	This activity is about identifying and developing objectives for meeting demand in the light of the demand defined and the conditions of supply options. This negotiation process must involve both demand and supply side role-players within the ambit of the IDP Steering Committee and the IDP Representative Forum. These objectives will be refined in the light of the supply strategy and will form the basis for developing Key Performance Indicators for the IDP. Both constitute the housing goals required from municipalities in terms of the Housing Act.
<b>2C Negotiating supply strategy</b>	
<b>Why?</b>	To clarify how the housing delivery targets are going to be met.
<b>How?</b>	This activity is about developing strategies to meet the objectives set as per 2B above. If the housing priority issue comprises both aspects that can and cannot be met through the policy supply options, it needs to mobilise a range of role-players beyond provincial and municipal officials, including the range of demand and supply side role-players.

### 1.2.3 PROJECTS

The IDP methodology provides for the formulation of projects to implement the strategies.

The main purpose of an IDP project is the achievement of the objectives and strategies, which in turn addresses the priority related issues. The

guide specifies that the projects documented in the IDP should contain sufficient information to enable proper implementation. Key information fields pertaining to the design of the project are meant to include aspects such as the target group benefiting from it, its spatial location, quantitative outputs, objectives and indicators, capital and operational costs year on year, sources of finance, institutional responsibilities and key activities.



<b>3 Project design</b>	
<b>3A Negotiating the demand and supply in respect of projects</b>	
<b>Why?</b>	To develop and undertake preliminary housing project design activities.
<b>How?</b>	In this activity the demand and supply side come together to negotiate housing projects. Projects are identified in the previous phase and are fully specified in this phase. The key decision fields that are required to be resolved include the project's objectives, description and indicators, its target group, spatial location, time-frames for implementation, implementation agencies, capital and operational budget implications and sources of funding. Project design is intended to be undertaken by project task teams which pool together relevant role-players and stakeholders and in consultation with affected groups. The level of design of projects aims to be sufficient to enable proper project implementation.

### 1.2.4 INTEGRATION

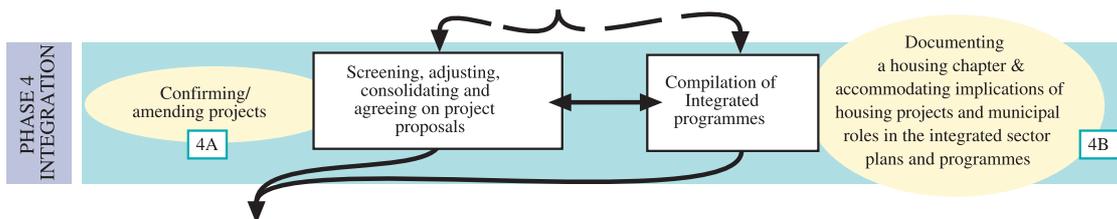
The IDP methodology includes the compilation of integrated sector programmes and plans that are meant to aggregate the contents of the IDP pertaining to specific sectors or line functions of the municipality. This includes in particular:

- A financial plan that addresses and includes financial strategies for the financial viability of the municipality\*;
- A capital investment programme that consolidates all capital investment projects over the next five years\*;
- An action programme that defines the implementation steps to be taken for each project over a five year period;

- An integrated Monitoring and Performance Management System that includes performance targets and indicators\*;
- An Integrated Spatial Development Framework\*;
- An Integrated poverty reduction and gender equity programme;
- An Integrated Environmental Programme\*\*;
- An Integrated Local Economic Development Programme (LED);
- An Integrated Institutional Programme\*;
- An Integrated HIV/AIDS Programme;
- A Disaster Management Plan\*; and
- Integrated sector programmes or plans as required in terms of sector legislation, such as a Water Services Development Plan or Waste Management Plan\*\*.

In the above, those components of the IDP that are specifically required in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and its Regulations are marked with a “\*”, those required in terms of sector planning legislation are marked with a “\*\*”.

The compilation of sector programmes and plans is meant to ensure that the collective impact and resource requirement of individual projects makes most efficient use of resources. In addition, the compilation of operational plans aims to ensure that the implementation and sustainability of the projects identified in the IDP is supported through adequate institutional and financial re-engineering.

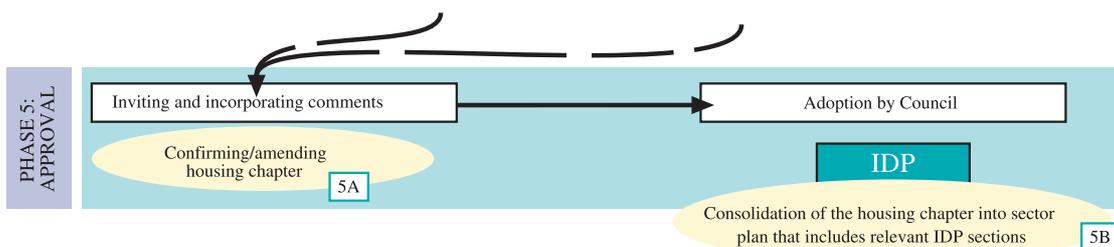


<b>4 Confirming/amending projects</b>	
<b>4A Confirming/amending projects</b>	
<b>Why?</b>	To adjust the projects to align with: <ul style="list-style-type: none"> <li>• Supply role-players commitments about their contribution to project implementation;</li> <li>• The requirements of the defined and prioritised demand; and</li> <li>• The housing targets set (or alternatively revise the targets).</li> </ul>
<b>How?</b>	This activity occurs in parallel with activity 4B. It is about screening, adjusting and agreeing on project proposals in the light of: <ul style="list-style-type: none"> <li>• The extent to which the project meets the implications of the objectives and strategies;</li> <li>• The cumulative requirements of individual projects from resources available;</li> <li>• The technical, financial, environmental and institutional viability of projects individually and collectively;</li> <li>• The achievement of coherence and integration between the projects of different sectors; and</li> <li>• The benefits of scale to be achieved by structuring similar projects as part of an integrated programme (4B below).</li> </ul> This activity is undertaken by the IDP Steering Committee and IDP Representative Forum with support from project task teams.
<b>4B Documenting a Housing Chapter and accommodating implications of housing projects and municipal roles in the integrated sector plans and programmes</b>	
<b>Why?</b>	<ul style="list-style-type: none"> <li>• To ensure that the housing planning undertaken as part of the IDP is documented in a document that is easily circulated and accessed for use by a range of stakeholders and role-players in the housing sector; and</li> <li>• To ensure that the operational aspects of housing projects and implications of housing planning for other sectors have been considered.</li> </ul>
<b>How?</b>	This activity occurs in parallel with activity 4A. It is about documenting a Housing Chapter for the IDP which aggregates the relevant housing sector information arising from the IDP process. In addition, it involves ensuring that the implications of housing projects and municipal housing sector roles on integrated sector plans and programmes are reflected in the: <ul style="list-style-type: none"> <li>• Other integrated sector programmes (such as the WSDP, IWMP, ITP, etc.);</li> <li>• Operational plans of the municipality such as the Institutional Framework, the Financial Plan and the Performance Management Plan; and</li> <li>• The Spatial Development Framework.</li> </ul>

### 1.2.5 APPROVAL

The final, pre-implementation stage of the IDP is the Approval Phase. The municipal Council is the primary decision-making authority in respect of IDP approval; however, attention must be given to providing opportunities for comment from the public as well as sector departments. Because opportunities for inputs into the

process (and hence its output) are to be achieved through broad-based participation of the public and sector departments in all the phases of the IDP; at this stage of the planning process, minor concerns are meant to be raised.



5 Obtaining final approval and consolidating the chapter	
5A Confirming/amending Housing Chapter	
<b>Why?</b>	
<b>How?</b>	This activity involves subjecting the Housing Chapter to the scrutiny of relevant stakeholders including the IDP Representative Forum and the broader range of community, non-government, private sector and other role-players, and facilitating the associated commenting process. Once comments are received, they need to be used to inform the finalisation of the IDP document.
5B Consolidation of the Housing Chapter into a sector plan that includes relevant IDP sections	
<b>Why?</b>	
<b>How?</b>	Once the IDP has been adopted by the Council the Housing Chapter should be consolidated into the sector plan that includes the relevant IDP sections (such as the spatial framework).

### 1.3 ROLES AND RESPONSIBILITIES

#### 1.3.1 INTRODUCTION

There are three potential champions for the housing sector and its programme. First are technical officials within the municipality whose roles include housing-related functions. Second are community, civil society, other non-governmental and para-statal role-players sitting on participatory structures, in particular the IDP Representative Forum or consulted directly as part of participatory activities. Third are provincial and national human settlement sector officials participating in key IDP activities, such as the strategies formulation work sessions and the IDP Project Task Teams, or sitting in the IDP Representative Forum.

### **1.3.2 IDP INSTITUTIONAL ARRANGEMENTS**

The institutional arrangements for IDP and the composition and roles of various structures in the IDP have been set out by Guide Packs provided by the DCGTA. While there are variations in the nature and exact composition of each structure between municipalities, the three main forums in the IDP process are the IDP Steering Committee, IDP Representative Forum and the Strategy/Project task-teams.

### **1.3.3 ROLES AND RESPONSIBILITIES OF IDP MANAGER**

The IDP Guide Packs also specify the roles and responsibilities of the IDP Manager which involves being responsible for the preparation of the Process Plan, the day to day management of the planning process, chairing of the Steering Committee and management of consultants.

### **1.3.4 MUNICIPAL OFFICIALS**

If planning for housing and implementation are to be undertaken on a satisfactory basis as part of the IDP planning, implementation and review process, then a municipal official will have to take the responsibility for it.

This responsibility must include providing the IDP process with adequate information about the housing programme, its benefits, parameters as well as strategic and operational requirements. In addition, this responsibility should also include ensuring that the contents and process requirements of planning for housing are adequately catered for in the IDP process.

The municipal official/s responsible for supporting housing sector planning and implementation as part of the IDP should hold a set of skills and competencies which are fairly similar to those of the IDP but reflect the sector requirements and competencies of this function. These could include:

- Strategic planning and thinking;
- Operational planning;
- Financial management and budgeting;
- Knowledge of policy and legislation on developmental local government and integrated development planning;
- In depth knowledge of housing sector policy and legislation;

- Experience of housing programme and project implementation management; and
- Project and programme monitoring and evaluation.

### 1.3.5 PROVINCIAL OFFICIALS

Finally, the provincial officials who participate in the IDP must be responsible for representing the PD in the Housing Chapter for IDPs formulation process. This means that these officials must be able to attend local or district level events, from a logistic as well as authority perspective. The officials who participate in the IDP process must have the appropriate level of authority to commit the PD to meeting local supply requirements. This includes authority to ensure that the supply negotiated decisions (as documented in the Housing Chapter) are brought into provincial housing budget and PHDP processes.

These officials should also be responsible for providing supply terms information to the municipal process that is relevant to that municipal area about the available resources for the municipality, the terms and conditions of provincial housing resources, policy and legislation framework for housing programmes as well as the role-players and responsibilities in the housing programmes.

In addition PDs need to fulfill the following responsibilities:

- Monitoring the quality of Housing Chapter in the municipal IDPs.
- Providing funding to capacitate qualifying municipalities.
- Monitoring the implementation of the Housing Chapter.
- Interning Municipal Chapters within Provincial Housing Development Plans and Provincial Growth and Development Strategies.
- Communicate and engage with municipal level processes.

## 1.4 PRODUCT CONTENT

The objective of this section is to make recommendations about the components of the planning instrument.

The starting point is that the “housing sector plan” is a chapter of the IDP, not a comprehensive, stand-alone plan resulting from a separate planning process.

A summary of the legal requirements of the Housing Act and the Municipal Systems Act 2000 relating to housing planning and IDPs is included herewith in **Annexure A**.

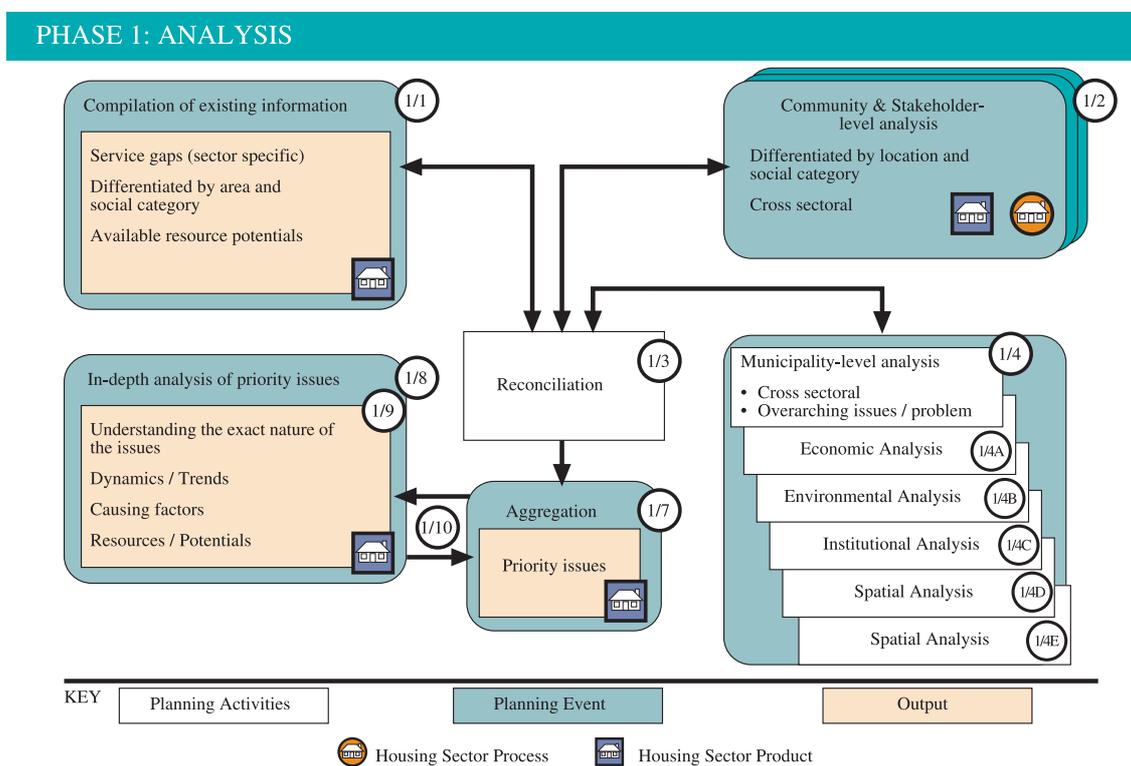
A Housing Chapter plan should be a summary chapter of the IDP, together with the IDP’s spatial framework and summarised financial and operational related outputs. The housing sector plan should therefore consist of the following components:

### 1.4.1 ANALYSIS

The Housing Chapter should contain a summary of the process and especially the outcomes of the analysis phase.

The following figure represents these products in relation to IDP process.

**Figure 3: Housing sector process and product as part of IDP Analysis Phase**



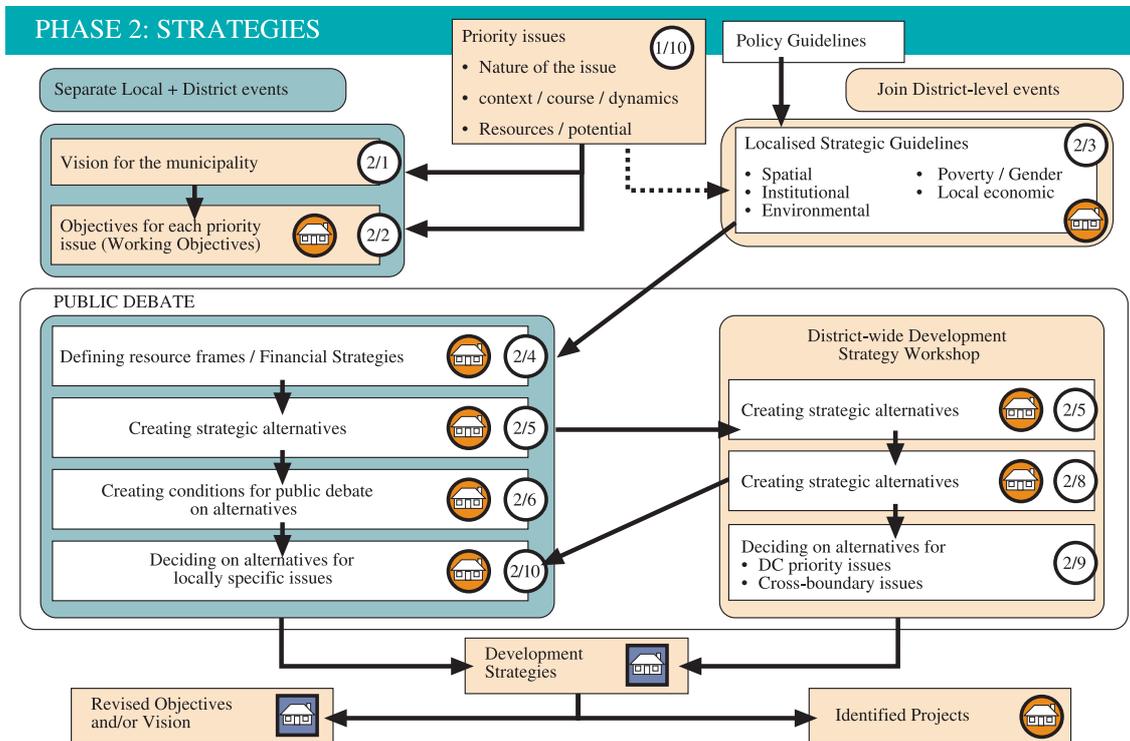
### 1.4.2 STRATEGIES

- A reference, in summary form, to housing sector guidelines and strategies and the manner they have been addressed in the IDP Strategy, including a summary presentation of the housing supply options.
- A reference, in summary form, to the IDP objectives and strategies for meeting demand. This should include:

- Negotiated supply objectives as part of the IDP objectives/vision (these are the housing goals referred to in the Housing Act); and
- Negotiated supply strategies as part of the IDP development strategies.

The following figure represents these products in relation to IDP process.

**Figure 4: Housing sector product and process as part of IDP Strategies Phase**

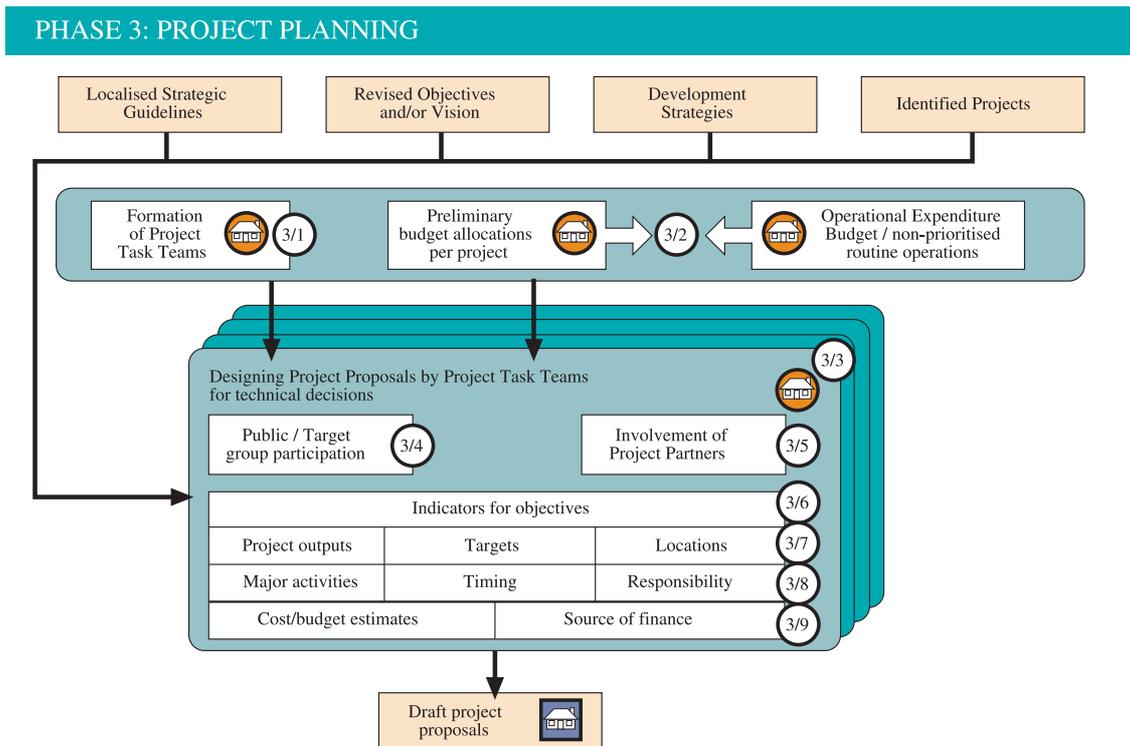


### 1.4.3 PROJECTS

This component is focused on the IDP’s housing projects, or the housing components of the IDP’s multi-sectoral projects, depending on how the IDP defines projects. There should be a summary of the projects’ objectives, description and indicators; its target group; spatial location; time-frames for implementation; implementation agencies; capital and operational budget implications and sources of funding.

The following figure represents these products in relation to the IDP process.

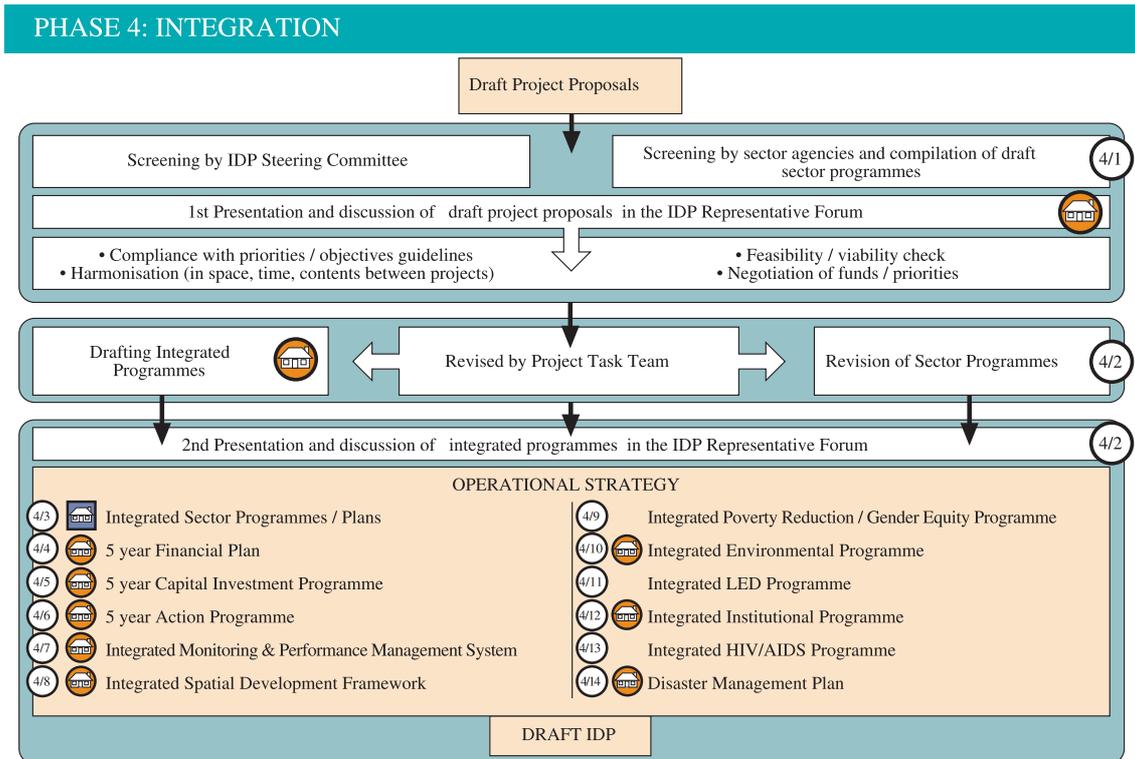
**Figure 5: Housing sector product and process as part of IDP Project planning phase**



#### 1.4.4 INTEGRATION

The Housing Chapter should be written up in the IDP Integration Phase, although its contents would have been developed in the preceding IDP phases, as indicated in figures 3 – 5 above. In addition to the housing sector chapter, the IDP should contain the other relevant aspects of the municipality’s operational strategy including for example the 5-year financial plan, 5 year capital investment programme, 5 year action programme and the integrated monitoring and performance management system. The spatial framework is particularly important to the housing sector and it should be included in the housing sector plan. The following figure shows the Housing Chapter in relation to the other summaries in the integration phase.

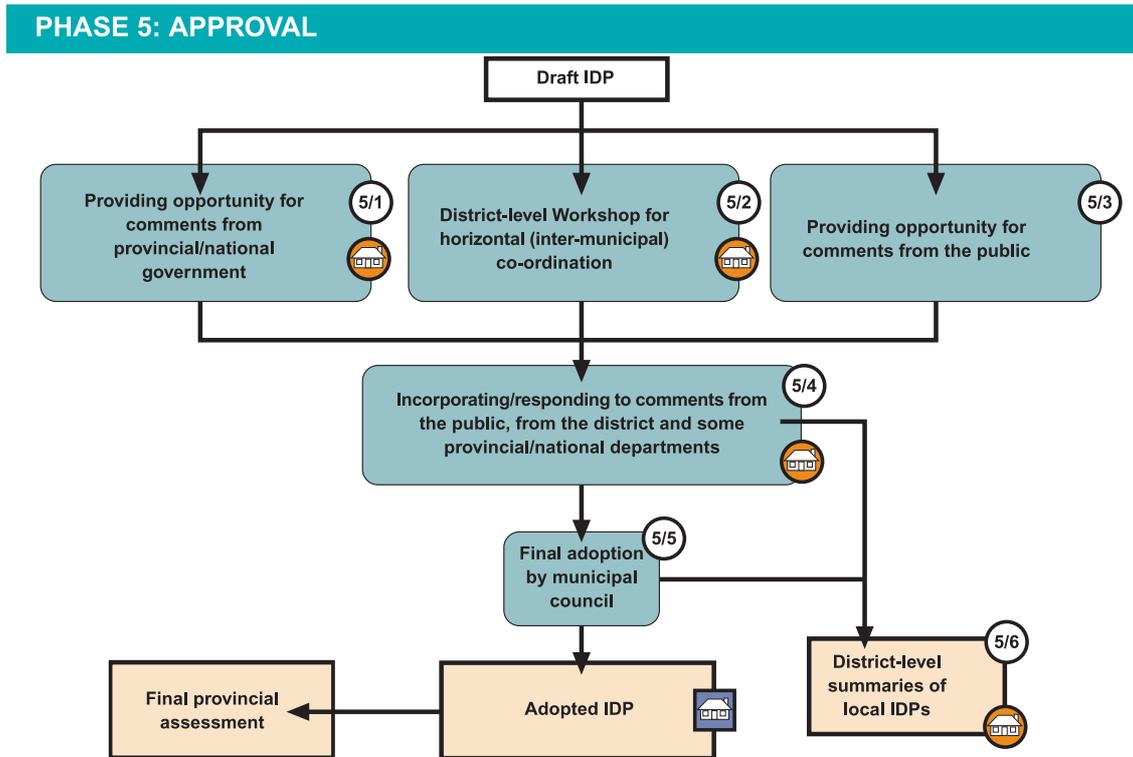
**Figure 6: Housing sector product in the IDP Integration Phase**



### 1.4.5 APPROVAL

During the approval phase, the draft IDP document is made available to various parties for comment, including other spheres and sectors of government, adjacent municipalities and the public. Comments received on the draft IDP with regard to the Housing Chapter need to be addressed and the necessary amendments need to be made to the Housing Chapter before the final draft IDP is submitted to the Municipal Council for approval. Municipalities are then required to submit their adopted IDP to the PD for assessment.

**Figure 7: Housing sector product in the IDP Approval Phase**





# The Housing Code

## Part 2 Housing Chapters of Integrated Residential Plans

### 1 Guidelines

#### Annexure A



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**ANNEXURE A:**

**WHAT DO THE MUNICIPAL SYSTEMS ACT, 2000 AND THE HOUSING ACT, 1997 REQUIRE?**

The following table relates the requirements of the two laws to one another. The first and fourth columns present the requirements contained in the Municipal Systems Act, 2000 and Housing Act, 1997 respectively. The second column relates the IDP components to relevant sections of the Housing Act, 1997. The fifth column does the reverse – it relates the requirements of the Housing Act to the IDP components contained in the MSA (Municipal Systems Act, 2000).

**Table 1: Comparing legal requirements**

IDP core components / contents requirements from the Municipal Systems Act Section 26 ...	... related to matters relevant to requirements of Housing Act		Housing Act's requirements Section 9 (1) ...	Related to IDP requirements (MSA)
(a) the municipal council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs;	(a), (c), (d)		(a)ensure that- (i) the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;	(c), (d) , (e), (f), (h), (i)
(b) an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services;	(a) (ii)& (iii) (d), (g)		(ii) conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented or removed;	(c), (d)
(c) the council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs;	(a) (i), (ii), (iii), (b), (g)		(iii) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economically efficient;	(c), (d)

IDP core components / contents requirements from the Municipal Systems Act Section 26 ...	... related to matters relevant to requirements of Housing Act		Housing Act's requirements Section 9 (1) ...	Related to IDP requirements (MSA)
(d) the council's development strategies which must be aligned with any national or provincial sector plans and planning requirements binding on the municipality in terms of legislation;	Whole of Act, and especially (a) (i), (ii), (iii), (d), (e), (f), (g)		(b) set housing delivery goals in respect of its area of jurisdiction;	(C), (i), (h)
(e) a spatial development framework;	(c), (d), (f), (h)		(c) identify and designate land for housing development;	(h)
(f) the council's operational strategies;	(b) (d) (f), (g), (h),		(d) create and maintain a public environment conducive to housing development which is financially and socially viable;	(c), (d) (f) (h)
(h) a financial plan, which must include a budget projection for at least the next three years ; and	(g) (b)		(e) promote the resolution of conflicts arising in the housing development process;	(d) and (h)
(i) the key performance indicators and performance targets...".	(b)		(f) initiate plan, co-ordinate, facilitate, promote and enable appropriate housing development in its area of jurisdiction;	(c), (d) (f) (h)
			(g) provide bulk engineering services, and revenue generating services in so far as such services are not provided by specialist utility suppliers; and	(c), (d) (f) (h)
			(h) plan and manage land use and development."	(e)