



**MPUMALANGA PROVINCIAL BENEFICIARY MANAGEMENT AND HOUSING
ALLOCATION FRAMEWORK**

MPUMALANGA PROVINCIAL BENEFICIARY MANAGEMENT AND HOUSING ALLOCATION FRAMEWORK

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1. INTRODUCTION

In terms of Section 26 of the Constitution of the Republic, 1996 (Act no. 108 of 1996) the Constitution makes provision that everyone has the right to have access to adequate housing and the state should do everything in its power towards the progressive realisation of this right. It further makes provision that all South African Citizens shall have right to a habitable environment. The Delivery Agreements with the Minister and the provincial MEC's, especially Outcomes 8 and 9, and the outputs attached to them are part of the attempts at fulfilling this Constitutional provision.

The Housing Act provides for the facilitation of a sustainable housing development process and has principles applicable to housing delivery in all the spheres of government.

2. ABBREVIATIONS AND DEFINITIONS

Department: means the Department of Human Settlements Mpumalanga province

MEC: Member of the Executive Council responsible for Human Settlements in Mpumalanga Province

MPL: Member of the Provincial Legislature (Mpumalanga province)

NHNR: National Housing Needs Register

HOD: Head of Department of Human Settlements in the Mpumalanga Province

CDW: Community Development Worker

HSS: Housing Subsidy System

BNG: Breaking New Ground

LRP: Land Restitution Programme

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Asset: A resource with economic value that an individual, corporation or country owns or controls with the expectation that it will provide future benefit.

3. PROBLEM STATEMENT

It is clear from consultations with all Municipalities in the Province that the process of the identification of potential beneficiaries varies extensively. Many of these processes are not documented nor are they institutionalized. Whilst most municipalities are utilising the Housing Needs Register to capture the details of persons who require shelter/housing assistance, in many cases these records are not being utilised to select potential beneficiaries for housing subsidies in approved projects. This function is passed on to individuals, either officials and/or Councillors which in many instances has led to issues of nepotism, queue jumping, disregarding persons on the Housing Needs Register in lieu of applicants not on the HNR, lack of transparency and accountability and an increasing number of complaints to the relevant Chapter 9 institutions.

There are no institutionalised structures to undertake this function and the lack of accountability relating to the function. Most of the municipalities also do not show a targeted focus towards the prioritisation of vulnerable groups.

4. LEGISLATIVE MANDATE

This framework is issued of the provisions of the Housing Act, 1997 (Act No. 107 of 1997) with special references to sections 2, 6, 7 and 9 of said Act.

5. NATIONAL IMPERATIVE

The underlying human settlement development objective remains fundamentally focused on providing housing assistance to households who are unable to independently resolve their housing needs, thus the prioritisation of the poorest of

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the poor and the most vulnerable persons while creating and facilitating access to housing opportunities for all other households. Prospective beneficiaries of fully subsidised housing delivery programme are by and large identified upfront in the development planning stages and human settlements are therefore first and foremost specifically designed to address these needs.

6. OBJECTIVES OF THE PROVINCIAL BENEFICIARY MANAGEMENT AND HOUSING ALLOCATION FRAMEWORK

The objectives of this framework are to;

- (i) Ensure a structured, fair, equitable, transparent and inclusive housing subsidy application selection process in respect of all completed ownership houses, rental housing units and serviced sites delivered through the relevant National Housing Programmes. This process is informed by the following:
 - The promotion of equal access to housing
 - The prevention of unfair discrimination.
 - The promotion of fair administrative action.
 - The proper recording of housing applicants.
 - To ensure that people with special needs are appropriately catered for.
 - To assess whether an applicant is eligible to be allocated a government subsidized housing house.
 - To assess the housing needs of the applicant and the household.
 - To prioritize each application according to the criteria set out in the housing allocation criteria.
- (ii) To provide for the targeted prioritisation of vulnerable groups as elucidated in this framework.

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- (iii) To ensure that Municipalities assist those beneficiaries who were approved but were not assisted.

7. KEY PRINCIPLES OF THE ALLOCATION FRAMEWORK

The allocation policy is based on the following key principles:

- (i) Government's National Housing Programmes target those households who are not able to independently resolve their own housing needs and are therefore the most vulnerable members of our society;
- (ii) The limitations of the State fiscus necessitates a progressive approach towards the realisation of the Constitutional rights to access to housing opportunities and to target the poorest and most vulnerable households of our community;
- (iii) In implementing the National Housing Programmes, Government pursues the establishment of viable and sustainable human settlements where residential settlements are integrated across income, culture and race spectrums and provide a range of social and economic amenities as well as a range of housing opportunities to meet the diverse needs of all persons in the relevant areas;
- (iv) The existing institutional arrangements are acknowledged and it is confirmed that the decision-making authority regarding the National Housing Programmes vests in the Member of the Executive Council (MEC) responsible for Human Settlements of the Mpumalanga Provincial Government and/or his/her delegated authority as the case may be, (the reference to MEC in this document includes his/her delegated authority);
- (v) Persons who recorded their housing needs on the National Housing Needs Register do not automatically qualify for housing subsidies and/or to purchase serviced stands as the case may be. Persons identified through the processes prescribed in this policy will be

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8. BENEFICIARIES APPROVED BUT DID NOT BENEFIT

The records reflected on the Housing Subsidy System (HSS) indicate that a substantial number of housing subsidy applications have been approved since 1994 where the beneficiaries have not yet received their completed houses. The circumstances regarding these approved subsidy applications vary from housing project to housing project. These circumstances could entail blocked projects, abandoned projects, projects where the number of dwellings were reduced for whatever reason, projects that were approved where beneficiary applications were considered and approved but the project never commenced etc.

Notwithstanding the diversity of the circumstances in each of the affected housing projects, it must be realised that Government has concluded contractual commitments with each of those housing subsidy applicants upon the approval of his/her housing subsidy application. Government therefore remains obliged to construct each of the houses that were agreed to with the approved beneficiary should they still require housing assistance.

These approved housing subsidy applications has a direct impact on the application of this Policy. In the first instance, the circumstances of each affected record on the HSS must be verified as a matter of urgency to establish the correct and prevailing facts. Where the information recorded on the HSS is inaccurate, the details thereof must be provided to the Department with a request to make the required adjustments to all the affected records. This will enable the identification of all the approved beneficiaries who has a legitimate claim for the delivery of a completed house.

Secondly, once the contractual commitments have been identified and verified, all human settlement development projects must first accommodate the already approved housing subsidy applicants.

In cases that there are currently no projects in the area where the beneficiary resides, then the Municipality should submit a motivated application to the Department to delete said beneficiary from the NHSDB to allow him/her reapply at some later stage. The same should also apply to approved beneficiaries that were

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proven to be untraceable or those who have since managed to adequately house themselves.

9. NATIONAL HOUSING NEEDS REGISTER

Due to the earlier mentioned challenges the Mpumalanga Department of Human Settlements adopted the initiative undertaken by the National Minister in 2005 to implement a revised Housing Needs Register.

The NHNR is a national electronic system rolled out to all Municipalities to record all households that might require any form of housing assistance eg rental, fully subsidised houses, serviced sites, the bonded market etc. The NHNR serves both as a planning tool for Human Settlements as well as the sole source of potential beneficiaries for Human Settlement projects. Housing Officials within all Municipalities must ensure that the Housing Needs Register (database) is updated on a continuous basis. Municipalities must also ensure that they have proactive strategies to register persons on the NHNR as opposed to merely relying on walk ins.

If Municipalities did keep their own waiting lists these must be verified and be migrated to the NHNR. Persons applying through their Councillors or persons being identified by Councillors must also follow this process where they are first placed on the NHNR. The only exception is where these persons are part of the vulnerable groups as identified. All such applications must be verified by the Departmental officials assisted by the Municipality prior to submission to the Department for capturing on the Housing Subsidy System.

Once an allocation list is drawn from the NHNR Officials of the Municipality or the Department of Human Settlements may also undertake site visits to verify all information and to ensure that there is no formal house already existing on the site.

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10. QUALIFYING CRITERIA

The following are the national qualifying criteria for a housing subsidy;

10.1 Resident: He or she is lawfully resident in South Africa (i.e. citizen of the Republic of South Africa or in possession of a permanent residence permit).

10.2 Competent to contract: He or she is legally competent to contract (i.e. over 18 years of age or older and of sound mind).

10.3 Not yet benefited from government assistance: Neither applicant nor his or her spouse has previously derived benefits from housing subsidy scheme, or any other state funded or assisted housing subsidy scheme which conferred benefits of ownership, leasehold or deed of grant or the right to convert the title obtained to either ownership, leasehold or deed of grant.

10.4 Not yet owned a fixed residential property: A person who has not owned fixed residential property may apply for a subsidy, except where the application has acquired vacant serviced site and needs assistance to construct a house.

10.5 Married or cohabiting: He or she is married (in terms of the Civil Law or in terms of a Customary Marriage) or habitually cohabits with any other person. The word "Spouse" includes any partner with whom a prospective beneficiary habitually cohabits.

10.6 Single with Financial Dependents: He or she has proven financial dependents.

10.7 Monthly household income: The gross monthly household income of his or her household may not exceed the amount of the maximum income limit as approved by the Minister from time to time (currently the limit is set at R3 500 pm).

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10.8 Persons who are beneficiaries of the Land Restitution Programme: Beneficiaries of the Land Restitution Programme (LRP), should they comply with other qualification criteria

10.9 Persons classified as aged: Aged persons who are single without financial dependants are also eligible

10.10 Persons living with disabilities: Persons living with disabilities, whether single, married or co-habiting or single without financial dependants are eligible.

11. PRIORITISATION OF VULNERABLE GROUPS

As can be gauged from the above the national qualifying criteria is fairly wide and encompasses a lot more people than the budget may accommodate.

In order to ensure that the focus of government is maintained i.e. allocation of resources to the most needy and vulnerable it is necessary to continue with the guidelines for implementation by municipalities. These prescripts in on way detracts from the municipal function of identifying beneficiaries rather it enhances such a function so as to ensure that service delivery goes to those most needy. This process will allow the Department to oversee that the subsidies are channelled, in the main, to the vulnerable groups.

In researching the prevalence of the vulnerable groups in our society the figures released by Statistics South Africa for the vulnerable groups are as follows:

Vulnerable Group	Percentages
Aged	8%
People living with disabilities	6%
Child headed households	2%

Given that on a project-to-project basis these figures will vary, Municipalities are requested to ensure that the maximum demand from the mentioned vulnerable

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groups i.e., (the aged, child/youth headed households and disabled persons) must be addressed and exhausted and only then the remaining beneficiaries should be allocated to persons as per the demand database on a first come first serve basis (this should not be limited to the above percentages).

These beneficiary lists (including that of vulnerable group) must be drawn from the NHNR or lists of persons from vulnerable groups may be handed over to the officials by Councillors so that officials can verify individual cases

All subsidy application forms iro child/youth headed households must be accompanied by verification by a Social Worker. Where necessary, assistance can be sought from the Department of Social Development in respect of cases of the aged, child headed households and the disabled so that there is also sufficient after care from the said Department.

Should Municipalities fail to comply with the prioritization of beneficiaries as indicated, the Department reserves the right to re organize the beneficiary list

12. AN UNDERSTANDING OF THE CONCEPT OF CHILD-HEADED HOUSEHOLD

The concept of child-headed household is complex and has made huge impact on the societal framework and has profound implications for the well-being of children and the realisation of their rights. It disrupts family and community functioning and affects mainly development of children. Child headed households has been recognised as a situation where a child or youth has taken charge of a household in terms of decision-making and responsibility to provide for the physical, social and emotional needs of others living with him/her in that household, regardless of relationship.

In addition to the emotional strain, children living without proper adult care and protection are also more exposed to be abused and exploited, making them vulnerable to fall into poverty.

With no adults to take care of them and without the proper papers, children heading their own families have limited access to social grants, education,

healthcare, and permanent decent shelter, these children drop out of school to take care of their siblings and to provide food on their tables.

13. LITERATURE REVIEW

According to common definition a child headed household is where a minor or adolescent has become the head of the household with reference to Section 28(1) (b) and (c) of the Constitution, and National guidelines for statutory services to child headed households (2010).

From research conducted, DSD has appeared to have made considerable progress towards establishing supportive mechanisms to address childcare and the welfare of the child and youth headed households except for addressing the shelter requirements of such households. Psychosocial needs such as counselling following trauma and multiple loss including death of parents and dispersal of siblings were amongst others issues that were progressively being addressed. The children required acknowledgement of their self-esteem, recognition, dignity and respect, hence the report especially from schools that these children did not avail themselves voluntarily for support because they did not want other children to know about their situation.

13.1 Needs and constraints of child-headed households

The main needs of the children were listed as socio-economic needs, such as nutrition (food); safety and shelter in terms of housing and clothing; health; hygiene; education and learning and supervision and money. Housing was especially critical as many live in unsafe shacks with inadequate space as they share bedrooms.

13.2 Definitional challenges

One of the priorities of Government is the provision of housing assistance to the vulnerable groups including the child headed households. However, given the various definitions and perceptions of child headed households it becomes problematic to reconcile all of these definitions. A child is defined as anyone under the age of 18. However, according to the national policy children under age of 18 are considered to be minors (they are not competent to contract) which makes them

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ineligible them from directly obtaining a housing subsidy in terms of the law and the national qualifying criteria. However, having said that there are persons that are under 18 that are taking care of their siblings that need to be assisted (see table below) and this would have to be done within the ambit of the prescripts.

Also, there are youth above 18 that are also taking care of the siblings assuming the role of a “youth” headed household. To further complicate the situation, the National Youth Commission Act defines a youth as someone between the ages of 14 and 35 (part of the age group overlaps with that of a child).

13.3 *Policy Alternatives*

Taking into account the definition as indicated in the various pieces of legislation as well as other relevant literature and policy documents in relation to the demand from this sector, it is clear that the Department will need to continue to prioritise this group.

As indicated earlier youth is defined as persons between the ages of 14 and 35. Two scenarios plays itself out in the regard.

The intervention would however be twofold i.e., child headed households and youth headed households:

13.4 *Child headed Households*

Anyone under the age of 18 cannot qualify for a housing subsidy in terms of the national qualifying criteria. However, this category of persons (households) is indeed vulnerable and is deserving of priority assistance within the ambit of policy. To enable the deserving household to benefit from a housing subsidy and application needs to be submitted by the “custodian” of the child headed family who then becomes the applicant. Such a “custodian” must qualify for a housing subsidy. A social worker must confirm in writing that the application is indeed for a child headed household and the motivation must be attached to the application form. The “custodian” should in writing also confirm that the child headed household would

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indeed permanently occupy the house and would under no circumstances be forced to move out of the house by the “custodian”. As soon as the head of the household turns 18 he/she should be allowed to replace the “custodian” as the beneficiary and the “custodian’s” details should be deleted from the NHSDB to enable him/her to apply for a subsidy should they wish to do so.

13.5 *Youth Headed Households*

Youth being defined as 14 to 35-year-old persons, the 14 to 18-year-old persons will be dealt with as per the processes under child headed households. Due to the high number of households headed by persons up to 35 years of age and for the reasons mentioned below priority will be given to youth headed households between the ages of 18 up to 24 years of age for the reasons mentioned below.

The reason for looking at this group is to focus on the households where the siblings are of school going age. Given the aforementioned and funding constraints and that impact should be made in the lives of the most vulnerable persons, it becomes necessary to prioritise that only youth headed households up to the age of 24 be considered. One of the conditions of such a consideration is that the siblings must physically reside with the applicant and the siblings may not be forced out of the house at the will of the applicant. A social worker must confirm in writing that the application is indeed for a youth headed household and the motivation must be attached to the application form.

13.6 *Policy Guideline*

Over and above the child headed households as indicated above, youth headed households up to the age of 24 may be considered for priority assistance as outlined above.

14. DECEASED OR MISSING BENEFICIARIES

14.1 In the case where an approved beneficiary dies prior being allocated a house and there is no will, the National guidelines on Protection of the Rights to

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subsidised property of descendants or beneficiaries shall apply for succession purpose as follows:

14.1.1 If the deceased housing beneficiary left a spouse but no descendants, the surviving spouse would inherit all assets within the estate.

14.1.2 If the deceased left descendants but no spouse, the descendants would inherit the assets within the estate proportionately.

14.1.3 If the deceased left both a spouse and descendants, the spouse and descendants would inherit proportionately.

14.1.4 If the deceased left no spouse or descendants, his or her parents would be next in line, followed by their descendants.

14.1.5 In the event of any contestations the Department may not give a decision in the regard, the family must elevate this to a Magistrates court seeking a letter of authority from the Magistrates court

14.2 The Municipalities must ensure that all reasonable and proven steps are taken to locate the approved beneficiary. This includes but is not limited to advertising in the local newspaper/s, placing notices in prominent areas, public announcements, use of Councillors, CDW's, Ward Committee members etc. Only if all these steps fail, may the Municipality approach the Department to swop beneficiaries. Such motivated requests must be accompanied by all supporting documentation.

15. PROCESS IN THE IDENTIFICATION AND PROCESSING OF POTENTIAL BENEFICIARIES

- a. The actual process starts to unfold as from the time that Municipalities captures the details of persons that require any form of shelter assistance on the National Housing Needs register.

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- b. Municipalities must develop and implement a strategy to pro-actively to register the details of potential beneficiaries on the NHNR.
- c. When a Municipality applies to the provincial department of Human settlements for funding for new human settlement projects it should attach a list of prioritised list of beneficiaries which is in line with the provincial Beneficiary Management policy. Such a list must emanate from the NHNR and not from Councillors. The list must contain more beneficiaries than the total number of units in that project to cater/replace those that may fail the procedural and electronic checking of the databases. Councillors may only submit details of other potential beneficiaries (whose details do not appear on the NHNR) who fall within the vulnerable group categories as indicated in the Beneficiary Management policy.
- d. The beneficiary details on that list must be verified by officials, Councillors, CDW's etc
- e. As soon as the project is approved by the Department, a shortlist of potential beneficiaries must be drawn up from the NHNR as per approved allocation criteria. Details of the potential beneficiaries should be submitted to the Allocations Committee for ratification so that the subsidy forms can be filled in for such persons.
- f. Once the names have been ratified, subsidy application forms must be immediately filled in and the completed forms must be submitted accompanied by a signed off list by the authorised person of the Municipality to the Department for capturing on the HSS (non accredited Municipalities). Accredited Municipalities must immediately capture the forms and submit the forms accompanied by a signed off list by the authorised person of the Municipality to the Department so that the HSS processes can be taken forward up to approval.
- g. All returned forms that need to be corrected must be done so and returned to the Department and not merely be replaced by new beneficiaries.

16. ALLOCATION COMMITTEE

An Allocations Committee that will administer all selection and allocation processes in terms of the legislative provisions and as proposed by this policy must be established in each of the Municipalities.

The Allocations Committee will preside over the allocation of housing opportunities and must monitor general outcomes. The Allocations Committee must also preside over the development of any approved quota systems that may be applied to the categories of prioritisation for a particular housing project.

Municipal Councillors may not serve on the Allocations Committee or be involved in decisions regarding individual selections and/or final housing allocations.

The secretariat of the Allocations Committee must ensure that the meetings of the allocations committee are planned well in advance and in coordination with the availability of the provincial counterparts to avoid unnecessary delays of the allocation process. Provincial members of the allocations committees should endeavour to combine or group allocation committee meetings in such a way that travelling is limited to the minimum and project implementation is not delayed due to their unavailability for Allocations Committee meetings.

16.1 *Membership*

The Allocations Committee must as a minimum comprise the following public sector officials:

- Three senior officials/ employees of the Municipality;
- Two officials of the Provincial Department of Human Settlements dealing with beneficiary management matters. This official must be fully conversant with beneficiary management policies and procedures.

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It is required that the Committee also nominate an additional member to serve as an alternate in cases where a permanent member is not able to attend a specific meeting of the Committee.

If a member of the Allocations Committee becomes aware that he/she is in any way linked to a prospective beneficiary of a housing opportunity, he or she should declare that link to the Allocations Committee who must decide if the member should excuse him/ herself from the selection and allocation proceedings until the Committee has made ruling on the relevant prospective beneficiary's case.

The Allocations Committee may not include municipal councillors as members.

16.2 *Chairperson*

The Allocations Committee must be chaired by a senior official of the Municipality

The position of Deputy Chairperson must be filled by one of the elected members representing the Provincial Department of Human Settlements.

16.3 *Quorum arrangements*

The Allocations Committee's quorum will comprise all four members of the Committee. No selections or allocations may be undertaken in the absence of a quorum.

16.4 *Meeting arrangements*

The Allocations Committee meetings will be directed by the project process and progress and the frequency of the meetings of the Committee will be managed by the Chairperson as required by the development progress and completion of houses/opportunities. The meeting location can be agreed upon by the committee.

16.5 *The Secretariat*

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The secretariat function will be fulfilled by the Municipality. All proceedings and decisions of the Committee must be recorded and preserved for auditing purposes.

Once the Allocations committee has ratified the decision on the final list of potential beneficiaries, such lists must serve before Council.

17. THE ROLE OF PROVINCIAL DEPARTMENT OF HUMAN SETTLEMENTS

The Provincial Department of Human Settlements will be responsible for the following:

- Participation in the Allocations Committee;
- Verification of the final prospective beneficiary subsidy applications submitted for approval;
- Submission of applications for consideration and obtaining the required subsidy application approval; and
- Informing the municipality of the approval of the subsidy applications where applicable.

18. THE ROLE OF MUNICIPALITY

The municipality will be responsible for the following:

- Participation in the Allocations Committee;
- Providing secretariat functions to the Allocations committee
- Drawing targeted selections of prospective beneficiaries for the housing opportunities that will become available under the project for consideration by the Allocations Committee;
- Inform the relevant role players of the names selected;
- Councillors should play a major role in ensuring that the beneficiary details and information provided are indeed correct;

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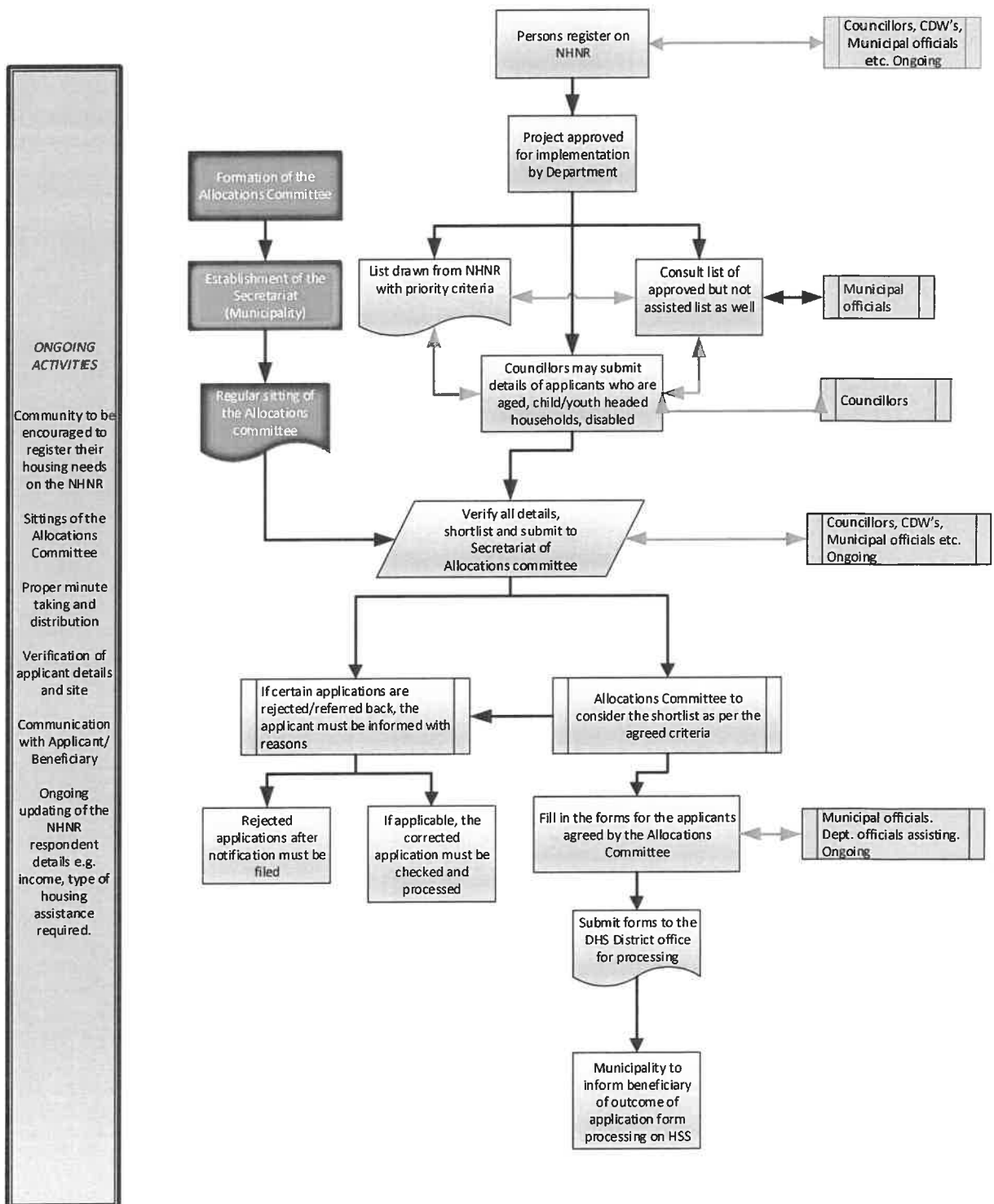
- Receive the completed application forms of the selected beneficiaries and record the applications received;
- Verify the applications against the selection made;
- Evaluate the applications for compliance with the qualification criteria;
- Submit the forms accompanied by a signed off list to the Provincial Housing Department for verification, consideration and subsidy approval;
- Inform the Contractor of the approval of the subsidy applications.

19. EXISTING ALLOCATION POLICIES

In cases where an existing allocations policy is in place at municipal level, such must be replaced by or be adjusted in line with the provisions of this policy from the date on which this policy takes effect.

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GENERIC PROCESS FLOW ON THE ALLOCATION PROCESS



ONGOING ACTIVITIES

- Community to be encouraged to register their housing needs on the NHNR
- Sittings of the Allocations Committee
- Proper minute taking and distribution
- Verification of applicant details and site
- Communication with Applicant/Beneficiary
- Ongoing updating of the NHNR respondent details e.g. income, type of housing assistance required.

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20. MONITORING AND EVALUATION


The implementation of this policy will be monitored by the Department on an ongoing basis to ensure that all processes outlined in this policy document are actioned and followed culminating in the approval of the beneficiaries.

21. POLICY REVIEW

The amalgamation of the two policy frameworks will become effective on the date that this document is signed off and will be in place for a period of three years from date hereof.

RECOMMEND / NOT RECOMMENDED

COMMENTS:



MRS H.N ZITHA

DATE

13/12/2021

(A) HEAD OF DEPARTMENT

APPROVED / NOT APPROVED

COMMENTS:



MR S.K MASHILO (MPL)

DATE

31/01/2022

MEC: HUMAN SETTLEMENTS