

The National Housing Code

INCREMENTAL INTERVENTIONS

Consolidation Subsidies

Emergency Housing Programme

Integrated Residential Development Programme

Enhanced People's Housing Process

Upgrading Informal Settlement

Subsidy Quantum - Incremental Interventions



human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

Volume 4

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ACRONYMS

Integrated Development Plan	IDP
Member of Executive Council	MEC
Medium Term Expenditure Framework	MTEF
Municipal Infrastructure Grant	MIG
National Home Builders Registration Council	NHBRC
Provincial Department responsible for human settlement	PD
Provincial Land Reform Office	PLRO
Provincial State Land Disposal Committee	PSLDC
Value Added Tax	VAT

Emergency Subsidy Programme

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PART A: HOUSING ASSISTANCE IN EMERGENCY CIRCUMSTANCES

1 OVERVIEW

South Africa is continuously affected by natural disasters that destroy and/or damage houses, rendering households homeless and destitute. In addition the current urbanisation trends in the country and the substantial housing backlog facing government also contribute to events that leave households homeless and destitute.

Therefore, Government in pursuance of its goal of realising everyone's Constitutional right to access to adequate housing on a progressive basis, has instituted a National Housing Programme through which it endeavours to address the needs of households who for reasons beyond their control, find themselves in an emergency housing situation such as the fact that their existing shelter has been destroyed or damaged, their prevailing situation poses an immediate threat to their life, health and safety, or they have been evicted, or face the threat of imminent eviction.

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

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

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2 POLICY PRESCRIPTS AND PROVISIONS

2.1 POLICY INTENT

The main objective of this Programme is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency situations of exceptional housing need through the allocation of grants to municipalities in order to achieve the following policy objectives:

- To expedite action in order to relieve the plight of persons in emergency situations with exceptional housing needs;
- To provide for special arrangements in terms of which the Housing Programme will address the diversity of needs of households in emergency housing situations; and
- To maximise the effect of projects through this Programme to ensure that funds are effectively expended and the services provided could be converted for permanent residential development use.

2.2 PRINCIPLES OF THE PROGRAMME

The following principles are applicable to the Programme:

Grants to municipalities: Funding under the programme will be made available to municipalities as grants to enable them to respond rapidly to emergencies by means of the provision of land, municipal engineering services and shelter. It includes the possible relocation and resettlement of people on a voluntary and co-operative basis in appropriate cases;

Limitation on the application of the programme: This Programme may not be employed to substitute normal planning and projects. Under **no circumstances** may the application of this Programme be justified to fund normal housing development projects, as provided for in the other National Housing Programmes;

Programme Scope: Assistance to be provided under this Programme will only constitute the provision of temporary aid and be of a temporary nature. The exception to this rule would be assistance with the repair or reconstruction of damage to permanent formal housing not covered by superstructure insurance. Furthermore, assistance will be limited to absolute essentials;

Promotion of pro-active, integrated planning: In this way, certain emergency situations can be identified and anticipated, and appropriate and effective actions to deal with them can be facilitated under other existing Housing Programmes as the progressive nature of these Programmes need to be kept at the forefront of housing delivery;

Norms and standards: The National Norms and Standards in respect of the creation of serviced stands shall not apply to this Programme with regard to temporary aid;

Discounting of grants: A grant approved under this Programme will be discounted against subsequent housing subsidies only to the extent to which it might have contributed materially to a future permanent housing solution for the beneficiary;

Procurement: Procurement procedures must be fair, equitable and transparent for the acquisition of housing goods and services and the guidelines of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), must also be followed. However, municipalities may employ current legislation authorising the waiver of tender procedures and the introduction of replacement procedures appropriate for use in emergency housing situations. Pro-active procurement measures must be considered and can include annual contracts and the establishment of panels of suitable contractors and consultants;

Qualification for benefits: Beneficiaries of the Programme can include persons that do not qualify for benefits under the Housing Subsidy Scheme;

Resettlement requirements: Where the resettlement of families is required the approval of the community to relocate must be secured and the new location must be in an area designated in terms of an approved Integrated Development Plan (IDP);

Interactivity with other programmes and projects: This Programme serves to augment and supplement existing disaster management programmes. In the case of an officially declared disaster, interaction will occur with the disaster management structure in order to augment and supplement mechanisms geared towards alleviating situations of exceptional housing emergency;

Streamlined land access, development planning and design phases: To properly deal with emergency circumstances, this Programme envisages the development of land access processes appropriate to the situation with due regard to municipal integrated development planning;

Initial phase of a permanent housing solution envisaged: Assistance under this Programme should wherever possible represent an initial phase towards a permanent housing solution. Where this is not possible, housing assistance under this Programme can be provided through the development of a temporary settlement area where feasible or practicable, while steps are being taken to prepare and develop land for permanent settlement purposes in terms of approved municipal IDP and development priorities; and

Service standards: The provision of access to land and secure tenure, basic municipal engineering services, shelter and the reconstruction and repair of damaged housing in terms of this Programme, will be in the form and adhere to the standards as described in this Chapter.

2.3 APPLICATION OF THE PROGRAMME

2.3.1 DEFINITION OF EMERGENCY HOUSING CIRCUMSTANCES

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

An emergency exists when the MEC, on application by a municipality and or the PD, agrees that persons affected owing to situations beyond their control:

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

2.4 WHO WILL BE ASSISTED?

The Programme will benefit all affected persons who are not in a position to address their housing emergency from their own resources or from other sources such as the proceeds of superstructure insurance policies and the following households will qualify for assistance under this Programme:

- Households that comply with the Housing Subsidy Scheme qualification criteria;
- Households/persons with a monthly income exceeding the maximum income limit as approved by the Minister from time to time;
- Households headed by minors, who are not competent to contract in collaboration with the Department of Social Development;
- Persons without dependants;
- Persons who are not first-time home owners;
- Persons classified as aged: Aged persons who are single without financial dependants may also apply for subsidisation. Aged persons can be classified as male and female persons who have attained the minimum age set to qualify for Government's old age social grant.
- Persons who have previously received housing assistance and who previously owned and/or currently own a residential property. Assistance may be considered on condition that access to the benefits of the Programme will be considered on a case by case basis to determine the facts and the approval of access in accordance with the provisions of the detailed Implementation Guidelines of the Programme; and
- Illegal immigrants on the conditions prescribed by the Department of Home Affairs on a case by case basis.

Searches against property registers will only be required when assistance is to be given for repair or reconstruction of damage to permanent formal housing. Persons requiring temporary assistance under this Programme may subsequently apply for subsidies for permanent housing only if they satisfy the standard qualification criteria of the Housing Subsidy Scheme, and with due regard to priority planning and allocations.

2.5 FUNDING ARRANGEMENTS

2.5.1 FUNDING ALLOCATION BY THE MINISTER

Funding for the implementation of National Housing Programmes is allocated to Provincial Governments by the Minister on an annual basis. Such funds are transferred to provinces in terms of the provisions of the Division of Revenue Act.

Project and/or specific programme funding will be prioritised and reserved by PDs from their annual funding allocation.

The amount of the grant will be determined by the MEC based on the nature and extent of the emergency housing situation.

2.5.2 PROJECT FUNDING

Project application assistance: If the municipality, based on its assessment of the emergency housing situation and its own resources, determines that the situation requires immediate or emergency assistance beyond its means for preparation of an application, the MEC may approve funds for project application preparation purposes;

Progress Payments to Municipalities: Approved project funding may be released to the relevant municipality in a manner approved by the MEC. Progress payments to municipalities shall be made against certification of the achievement of value for money as per agreed milestones. Such progress payments may include advanced payments to municipalities for each phase of an approved project; and

Progress Payments by Municipalities: Municipalities must only initiate progress payments in terms of contractual agreements with the providers of housing goods and services against the actual achievement of value for money and the certification thereof.

2.5.3 GRANT FUNDING AMOUNT

The actual cost of the project will be dictated by a variety of aspects such as location, township layout and local building pricing. However the MEC will have final approval authority over project funding.

a) What may be funded by the programme?

Assistance to Municipalities to compile project applications
Land acquisition
Settlement planning
Basic municipal engineering services design
Land surveying
Basic municipal engineering services
Temporary shelter or supply of materials for the construction thereof
Relocation assistance
Repair and/or reconstruction of existing damaged formal housing as well as related municipal engineering services, where required
<p>The cost of consumption of the following basic municipal services for a maximum of three years in cases where the municipality presents proof of its inability to provide the services from its own resources:</p> <ul style="list-style-type: none"> •Water consumption; •Sanitation services provision; •Refuse removal; and •Street lighting where applicable, <p>on condition that the services are actually provided by the municipality.</p>

b) What will not be funded by the Programme?

The approved funds may not be used for the following:

- Any bulk and connector engineering services in existing developments that were damaged or where the rehabilitation of such infrastructure is required or where new bulk and connector services are required to address emergencies. Applications for funding can be made in terms of the Municipal Infrastructure Grant (MIG) which is administered by the Department of Cooperative Governance and Traditional Affairs for this purpose;

- Normal housing products in terms of IRDP subsidies or otherwise;
- Any litigation;
- Street lighting and electrical services, except that the provision of high-mast lighting could be considered in special circumstances;
- Any operation, maintenance and management costs of developments. Municipalities will assume responsibility for the operation and maintenance of all engineering infrastructure established under the Programme except that the municipality may apply to the MEC for approval that the Provincial Government will pay consumption cost for the services listed under a), above for a period not exceeding 3 years from the date approval by the MEC;
- Any other aspect provided for under another assistance programme of government, except where assistance from such programme is not available or appropriate;
- The repair of dams, boreholes, pumps and reticulation, the delivery of water supplies by tanker and the drilling and equipping of new boreholes, which will primarily be the responsibility of the municipality, water services authority or provider. The need for possible additional water and sanitation services provision under this Programme will need to be properly motivated and coordinated through the municipality; and
- The repair of eroded access roads which will normally be the responsibility of the municipality.

c) Value Added Tax

In terms of a ruling by the former Commissioner of Inland Revenue, housing subsidies fall within the definition of “transfer payments” as contemplated in the Value Added Tax Act, 1991 (Act No. 22 of 1991) and is subject to VAT at a rate of zero percent (0%).

d) Additional Funding

A Municipality may provide additional funding from its own or other resources for upgrading of the engineering services and shelters over and above those envisaged to be provided by the approved grant amount.

e) Over Payments

If it is found that the approved grant amount, based on the estimates provided in the project application for a project, exceeds the actual amount disbursed or to be disbursed in implementation of a project, the

balance/residual amount must be transferred to the account of the PD by the municipality.

2.6 INSTITUTIONAL ARRANGEMENTS

The roles and functions of national, provincial and local government are based on the principles of co-operative governance and subsidiary and the creation of partnerships between the different spheres of government. This thus implies that normally a role or function should be performed at the level most suitable for the circumstances.

All parties involved must address prescribed procedures expeditiously, given the particular circumstances of the emergency situation.

The roles and functions attributed to the three spheres of government and others under this Programme are as follows:

2.6.1 RESPONSIBILITIES OF MUNICIPALITIES

It will be the responsibility of a municipality to consider whether specific circumstances in its area of jurisdiction merits the submission of an application for assistance under this Programme, and if so the relevant municipality should:

- Initiate, plan and formulate applications for projects relating to emergency housing situations, which in the case of municipalities, which are not accredited, must be in collaboration with and, under the supervision of the PD;
- Request assistance from the PD on any of the matters concerned if the municipality lacks the capacity, resources or expertise;
- Submit the application to the relevant PD;
- Implement approved projects in accordance with agreements entered into with PDs;
- Assume ownership of the engineering services installed;
- Manage, operate and maintain settlement areas developed under this Programme;
- As a precondition for approval of an application, conduct planning for the development of a permanent housing situation for affected persons, wherever appropriate.
- Ensure as far as possible the availability of bulk and connector engineering services;

- Provide basic municipal engineering services such as water, sanitation, refuse removal services and other municipal services;
- Provide materials, assistance, and support where necessary to enable the installation or repair of engineering services or the repair or construction of shelters by or for the affected persons ;
- A district municipality must provide inputs and assistance to a local municipality, and vice versa in appropriate circumstances;
- Liaison with other bodies: A municipality must take steps to establish liaison channels and procedures both within its organisation and with other public and private bodies to deal with emergency situations effectively when they arise;
- Ensure that situations which may qualify for consideration under this Programme are given expeditious treatment. This includes the use of accelerated land use and planning procedures;
- Where appropriate, assisting with the transport of affected persons and their belongings to resettlement sites; and
- The municipality will adhere to the general procedures on local project co-ordination in executing projects approved under the programme as contained in Annexure D, to the Guidelines for Implementation of Emergency Housing Projects.

Undertakings Required from the Municipality

Where appropriate, undertakings will be required for:

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

- The planning and development of a permanent housing solution for affected persons.

2.6.2 RESPONSIBILITIES OF THE PROVINCIAL DEPARTMENTS

The PDs will be responsible for the funding and implementation of this Programme in partnership with municipalities. PDs must do everything in their power to assist municipalities to achieve their obligations under this Programme. The PDs must:

- Collaborate with and assist municipalities in the initiation, planning and formulation of applications for projects under this Programme;
- Assume the development responsibility of the municipality in cases where the municipality is clearly not able to fulfil its obligations under the Programme;
- Forward applications to the MEC together with its comments and recommendations including its views on the eligibility for assistance and the capacity of the municipality concerned to undertake and complete the project successfully;
- MECs will have decision-making authority;
- Take appropriate steps in accordance with section 139 of the Constitution of the Republic of South Africa, 1996 (Act no. 108 of 1996), to ensure the performance of the duties and obligations provided for in section 7 of the Housing Act 1997 if the municipality is unable to do so;
- Reserve, reprioritise and allocate funds from its annual budget allocation and manage, disburse and control funds allocated for an approved project, in accordance with an agreement with a municipality;
- Monitor the implementation of a project by a municipality;
- Assist municipalities with the use and implementation of accelerated planning procedures as described in Section 12.3.9 of this Chapter;
- Update the Housing Subsidy System with the details of project beneficiaries under this Programme;
- Assume ownership of the temporary shelter provided and ensure the dismantling and safe storage of prefabricated shelter units after use, for re-use later on. The PD may negotiate this matter with the municipality.

2.6.3 RESPONSIBILITIES OF THE NATIONAL DEPARTMENT

The National Department must:

- Actively participate in project conceptualisation, assist with project applications and evaluations and participate in project management with the PDs and municipalities;
- Maintain the policy and programme, and assist with interpretation;
- Monitor programme implementation;
- Negotiate the apportionment of funding for the programme and allocate such to provinces for project execution and release allocated funds on a cash flow basis;
- Provide implementation assistance;
- If required, establish a national co-ordinating body to address large scale emergency housing needs. Funding for this purpose will be made available from the National Department's operational budget; and
- Provide assistance with the release of State Land for emergency housing purposes.

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PART B: GUIDELINES FOR IMPLEMENTATION OF EMERGENCY HOUSING PROJECTS

1 NATURE OF GUIDELINES

This section provides suggestions on how to implement projects under the Programme, and therefore is non-prescriptive in nature. The MEC has discretion in the application of these Guidelines.

It is, however, important to note that the contents of the Guidelines are based on statutory provisions applicable to all spheres of government. The key legislation includes:

- The Constitution of the Republic of South Africa, 1996;
- The Public Finance Management Act, 1999 (Act NO. 1 of 1999);
- The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);
and
- The Housing Act, 1997 (Act No. 107 of 1997).

In considering the application of the Guidelines for the Implementation of the Programme, consideration should be given to the implications of any deviations, measured against the provisions of the relevant legislative provisions.

The Constitution, 1996 obliges the three spheres of government to fulfil the obligations imposed by it, and to apply national and provincial legislation enacted in terms of the Constitution, 1996 (sections 85(2), 125(2) and 151 (3)). In the implementation of this programme, all office bearers and officials must ensure compliance with this statutory framework.

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2 IMPORTANT CONSIDERATIONS

2.1 FUNDING RESOURCES

Reasonable resources should be allocated to achieve the objectives of this programme whilst ensuring that the progressive and developmental objectives of Government's other Housing Programmes are also constantly given adequate attention. In this regard, it is then suggested that, if possible, the assistance provided by this Programme be structured in such a way that it contributes towards the achievement of the objectives of Government's other Housing Programmes. For example assistance under this Programme should wherever possible represent an initial phase towards a permanent housing solution.

2.2 PROGRAMME PLANNING REQUIREMENTS

Each PD annually develops and maintains a multi year housing development plan as part of the Strategic Planning Framework required by Treasury. Plans are compiled on the basis of the approved Housing Chapters of Municipal Integrated Development Plans and priorities agreed to between the MEC and the municipalities in the relevant province over the MTEF period. The provision for possible emergency housing needs should be identified through pro-active planning or in response or reaction to a request for assistance from other authorities or the public. Funds will be made available by the PD through the reservation of funds and/or reprioritisations as emergency circumstances arise, to fund projects approved under this Programme.

2.3 GENERAL GUIDING PRINCIPLES APPLICABLE TO AN EMERGENCY HOUSING PROJECT

- A grant will be made available to a municipality to undertake an approved project for exceptional emergency housing assistance.
- A municipality should identify a project having due regard to the categories of emergency housing situations described below. If in the opinion of the municipality, assistance under this Programme will be required, the emergency housing need must be categorised in accordance with these guidelines provided.
- The Municipality should, as far as possible, ensure that existing or planned housing development priorities will not be compromised.
- The provision of financial assistance with the physical relocation of persons, where applicable, will only be considered in cases where no other assistance is available.
- Requests from other authorities or the public: In the case of a declared state of disaster, the municipality must approach the disaster management structure to ascertain what

assistance will be provided by it or could be required under this Programme. The disaster management structure can be on a national, provincial, or local level, depending on the nature and extent of a declared disaster. A request for assistance can also be received from the public or other bodies.

2.4 DETERMINING THE TYPE OF RELIEF OR ASSISTANCE REQUIRED

2.4.1 CATEGORIES OF EMERGENCY HOUSING SITUATIONS

The circumstances of emergencies, as described in Table 1 below, may be utilised to determine the form of relief or assistance to be provided.

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

	SITUATION CATEGORY		EMERGENCY HOUSING SITUATION	EXAMPLES
(1) EMERGENCY HOUSING SITUATION WITH PERMANENT SETTLEMENT SOLUTION: Land is available for permanent housing solution	(1.1)	Temporary on-site assistance. No relocation required.	The existing settlement land is suitable for permanent housing development purposes later on. In situ upgrading can occur. Temporary housing assistance can be provided on the land, as a first phase towards permanent housing development.	Settlement devastated by fire or storms where living conditions have deteriorated to such an extent that they are intolerable and poses a major threat to the health and safety of affected persons and surrounding areas.
	(1.2)	Relocation to a permanent location with assistance on a temporary basis.	Affected households or persons need to be relocated and land to be resettled upon is suitable and available for this purpose and eventual permanent housing development.	Situations of flooding, fire, unsafe buildings or any event that rendered the land occupied inhabitable, unsafe or unavailable for further settlement purposes on a temporary or permanent basis, necessitating the relocation of affected persons and where suitable, available land exists where temporary settlement can take place and the land can be developed for permanent housing in future.
	(1.3)	Temporary assistance through resettlement to an existing developed area	The situation is the same as in (1.2) above i.t.o relocation. The land identified for resettlement purposes includes land that forms part of an existing development and where such land does not form part of land	The nature of events causing this situation will be the same as in the cases described above, whilst the developed land identified for resettlement can include existing vacant serviced or un-serviced stands, within

	SITUATION CATEGORY		EMERGENCY HOUSING SITUATION	EXAMPLES
			earmarked for occupation or use by others, and where permanent housing development can later take place	townships and which have not been allocated for occupation or transfer to others.
(2) EXISTING FORMAL HOUSING	(2)	Permanent Formal Housing to be repaired or rebuilt.	Houses damaged or destroyed, to be repaired or rebuilt on the existing site or on a new serviced site for resettlement.	Events such as severe floods, fire, wind earthquakes or other occurrences that destroyed or caused damage to such housing to the extent that living conditions are intolerable but where the housing can be repaired or reconstructed on site. It can also include a situation where because of events such as the failure of a dam wall, the area has become unsafe for further occupation and where housing need to be reconstructed at another site.
	(3.1)	Assistance with relocation to temporary settlement area. To be relocated again, once a permanent housing solution is possible.	Persons are settled on land and/or in building(s) that can no longer be used for settlement purposes, either temporarily or permanently. This may include a situation where affected persons can eventually or possibly return to the land, but not in the immediate future, since the land has been rendered unavailable or inhabitable, for a significant period of time.	Situations caused by severe frequent flooding, failure of a dam wall, eviction from land or unsafe buildings, civil unrest where people are forced to vacate the land.
(3) TEMPORARY SETTLEMENT				

	SITUATION CATEGORY		EMERGENCY HOUSING SITUATION	EXAMPLES
	(3.2)	Temporary assistance on site. Resettlement later on, to a permanent temporary settlement area.	Eventual relocation is necessary, but cannot be done currently because of other commitments and planning priorities. Temporary housing assistance can be provided on the site until land and other resources for permanent housing development become available.	<ul style="list-style-type: none"> Where the settlement land is dolomitic, classified as unsuitable for permanent development, but where through application of technical or other mitigating measures, it could for a period of time be used for temporary settlement only. Land where the settlement area has been destroyed by severe fire or heavy rain and where it can only be used for temporary settlement purposes.
	(3.3)	Temporary assistance with resettlement to a permanent temporary settlement area.	Same as for category (3.1) except that the municipality has established or wishes to establish a permanent temporary settlement area.	This includes a situation where affected persons need to resettle and where the only alternative available, includes land to be developed as a permanent temporary settlement area. The development will have a more permanent status, but occupants will only stay on a temporary basis, until permanent housing at another location becomes available.

2.4.2 IMPORTANT ASPECTS RELATING TO THE CATEGORIES

A. Category (1): Permanent Settlement Solution

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

- Planning and surveying taking cognisance of the requirements for permanent housing development later on, should be conducted.
- The provision of basic municipal engineering services should be planned and designed in such a manner that they could be shared initially, but can

be extended and upgraded later on to service future permanent housing development.

- Temporary shelter may be provided either in the form of assistance through the provision of building materials and/or assistance with the construction of shelter.
- In respect of category (1.3) – resettlement to an existing developed area – such an approach should only be adopted in situations where its implementation will not adversely affect other development priorities and needs.
- The municipality should ensure proper settlement management.
- The municipality should ensure that persons receive land tenure rights by way of agreement and that provision is made (subject to the applicable policy for assistance to indigent persons) for payment of rent and municipal services.

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

- Assistance will not be provided in cases where superstructures are covered by insurance. The municipality should investigate whether any insurance cover in respect of any property applies or confirm that no such cover is applicable.
- Assistance may be given not only in respect of subsidised housing, but also other housing which has been damaged or destroyed in situations giving rise to an “emergency situation” as defined above.
- Heads of affected households who benefit under this Programme will be recorded on the National Housing Subsidy Database as beneficiaries of the Housing Subsidy Scheme, irrespective of the amount of the grant provided for repair work or for reconstruction.
- Housing should, as a first resort, be repaired or reconstructed on site. Assistance will only be provided in respect of one house per current site in formal townships. Persons who reside in backyards will be assisted under this Programme either in terms of category (1) or category (3). In areas outside formal townships, such as rural areas where persons may only enjoy functional land tenure rights to the land they occupy or in communal land areas, assistance may be provided in respect of one house per affected household.
- Ownership and/or security of tenure, as contemplated by the Housing Subsidy Scheme, are a precondition for assistance in this Category (2).

Where registered ownership is not possible, the affected households' occupation of the land must at least be uncontested and be protected in terms of the provisions of the Interim Protection of Land Rights Act, 1996 (Act No. 31 of 1996).

- In areas with dispersed settlements and widespread individual units, housing assistance may be provided within the framework of the current settlement pattern.
- Assistance with the cost of repair or reconstruction of superstructures will be based on the actual cost of repair or reconstruction up to a maximum, equal to the amount of the Project Linked Consolidation Subsidy, inclusive of the contribution, applicable at the time of project application approval, irrespective of the income of the beneficiary.
- Where the municipal engineering services have also been damaged and other funds are not available to repair or reconstruct them, it may, as a last resort, be repaired or reconstructed under this Programme. The superstructure and engineering services can then be repaired or reconstructed at the current or another site, as the case may be, irrespective of the income of the beneficiary, to the amount of the actual costs up to the maximum standard housing subsidy(including the contribution) applicable at the time of project application approval.
- Regardless of any extensions or improvements which may have been made to the property, assistance will be limited to either of the above amounts which may be adjusted from time to time.
- A decision as to the most suitable approach to the repair of damaged houses in a certain area should be taken in consultation with the affected households.
- In the case of subsidised housing, where the owner has added improvements, those will not be repaired as part of this Programme.

C. Category (3): Temporary Settlement Solution

In these circumstances affected persons can only be provided with temporary relief on land where housing, on a permanent basis cannot be provided later on. Should they receive assistance at a later stage under another government programme, relocation to a permanent settlement area will be necessary. Temporary assistance can be provided either at the current settlement site or at another temporary site identified for this purpose.

- Assistance provided will not in any way affect the granting or the quantum of housing subsidies to be allocated at a later stage.
- Temporary basic engineering services and shelters should be designed for removal, provided that this need not be done in cases of permanent temporary settlement areas.
- The settlement layout and engineering services need not be designed for upgrading, but the layout should allow for access by utility, emergency, and similar vehicles.
- Basic layout planning may be conducted, allowing for settlement densities higher than normal, to accommodate several households per ordinary stand.
- Only basic municipal engineering services should be provided and a strategy allowing for the sharing of these services should be pursued.
- Land surveying and/or pegging of stands may not be required initially and should be limited to meeting basic legal requirements.
- The necessary land use planning and environmental approvals must be obtained. Geotechnical investigations may be conducted by way of a scoping study, or as may be required in terms of the land use planning legislation to be used, to obtain the necessary approvals.
- The municipality should ensure proper settlement management.
- The municipality should ensure that the persons receive tenure in the form of lease agreements, which may also (subject to the applicable policy for assistance to indigent persons) provide for payment of rent and municipal services.
- Standardised assistance should be provided regardless of whether or not households already have some building materials for shelters.
- This approach is one of last resort and should be adopted only if no other course is feasible or practical.
- In respect of sub-category (3.3), namely resettlement to a permanent temporary settlement area, funds spent will constitute temporary assistance and will therefore not be taken into account in the granting of subsidies later on.

2.5 NORMS AND STANDARDS

A. Municipal Engineering Services in Temporary Settlement Areas

- The National Norms and Standards in respect of Permanent Residential Structures, shall not apply to the implementation of this Programme. However, in certain circumstances where its implementation constitutes the first phase of a permanent settlement, the planning and design of temporary services to be provided must be considered in terms of the norms and standards referred to above.
- In the context of temporary settlement, the provision of basic municipal engineering services that can be funded from the grant are limited to water services, sanitation services, access roads and open lined storm water systems, all provided on a shared basis in a dense settlement pattern, as indicated in Table 2 below.

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

TYPE OF SERVICE	MAXIMUM LEVEL OF MUNICIPAL ENGINEERING SERVICES IN THE CASE OF TEMPORARY SETTLEMENTS
Water	<p>The provision of access to a water point or tap for every 25 families must be provided. The waterlines must be usable in a permanent configuration or layout in situations where future upgrading is envisaged as a first option towards a permanent housing situation.</p>
Sanitation	<p>i. Temporary sanitary facilities must be provided. Due to varying geographical and similar conditions, facilities to be provided may vary from area to area. Where conditions permit the use of Ventilated Improved Pit Latrines (VIP toilets) must be provided as a first option. The Municipality must therefore ensure that the system employed is suitable for the particular conditions.</p> <p>ii. An acceptable standard will be one VIP toilet per five families. Cost should be estimated per family on a shared basis in the suggested dense settlement pattern. In circumstances where soil and other site conditions do not allow for the use of VIP toilets, alternative systems must be investigated. A small bore sewerage or other appropriate system (to be used on a shared basis with one toilet per five families within the suggested settlement pattern) could be provided.</p> <p>The sewerage system must as far as possible be usable in a permanent configuration or layout in situations where future upgrading is envisaged as a first option towards a permanent housing situation.</p>

TYPE OF SERVICE	MAXIMUM LEVEL OF MUNICIPAL ENGINEERING SERVICES IN THE CASE OF TEMPORARY SETTLEMENTS
Access, Roads, and Storm water	A main access road and open lined storm water management system must be provided. Internal roads must be formed through the removal of obstructions such as vegetation and by use of vehicles only, except in the case of extraordinary circumstances. All shelters need not necessarily have vehicle access. Settlement layouts must provide for access of utility vehicles such as ambulance and fire services.
Electricity	This Programme will only fund the provision of high-mast lighting in special circumstances.

B. Damaged municipal engineering services in permanent formal housing areas

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

C. Temporary Shelter

- The National Norms and Standards in respect of permanent residential structures will not apply in temporary settlement areas.
- Temporary shelters should be basic, simple in form and easy to construct. The structural design should provide the strength, stability, and durability for the anticipated life-span of the shelter, providing basic shelter against the elements. The floor area of a shelter should be at least 24m² and may vary up to 30m² depending on the need and possibilities within the funding limits.
- Temporary shelter should be appropriate for the specific environment and as far as possible be acceptable to beneficiaries.
- Where shelter to be provided could form part of a permanent housing solution at a later stage, it should as far as possible be consistent with the National Norms and Standards in respect of permanent residential structures, applicable to the Housing Subsidy Scheme.
- Shelters can be provided through the supply of materials to beneficiaries on site to construct their own shelter or to be constructed depending on the exceptional nature of the situation. The preferred option for the provision of shelter is the supply of prefabricated units which

could after being used, be dismantled and stored for re-use. No tented structure will be provided under this Programme.

- Where beneficiaries have provided their own materials, advice and assistance can be provided with the construction of the shelters.
- The minimum technical specification for the provision of shelters is outlined in Table 3 below. A typical drawing of such a shelter is attached as Annexure B.
- The technical specification will serve as a guideline and municipalities and provincial governments will be allowed discretion regarding the size, materials and design of shelters on condition that minimum technical specifications are adhered to.
- The use of alternative shelters on the basis of a rental arrangement with suppliers may be considered where this option is feasible, practicable and cost effective.

Table 3: Guidelines on minimum product performance requirements and specifications on shelter to be provided

GENERAL PRODUCT PERFORMANCE REQUIREMENTS	
(i) A minimum lifespan of 5 years. It must be possible to dismantle the shelter for re-use at least 3 times.	
(ii) It must be dismountable, easy to transport, store and construct.	
(iii) Design to meet SABS 0160 (loading) and SABS 0162 (for steel work) if applicable.	
(iv) Adaptable to local conditions.	
(v) 24m ² floor area in extent (may vary up to 30m ² depending on the need and possibilities within funding limits).	
BASIC PRODUCT PERFORMANCE REQUIREMENT	GUIDELINE SPECIFICATION
Roof covering: Trafficable, waterproof, to suit purlin spacing.	0.6mm thick galvanised mild steel or 0.5 mm thick galvanised full hard or similar approved profile.
Side cladding: Meet OHS Act requirements. Safe, sustaining of normal weather conditions, adequate resistance to water penetration. Minimum height 2.2 m	0.6 mm thick galvanised mild steel or 0.5 mm full hard galvanized Nu-RIB or similar approved profile cladding.

BASIC PRODUCT PERFORMANCE REQUIREMENT	GUIDELINE SPECIFICATION
Columns and anchor bolts: Framed structure. Strength for stable, durable structure.	76 mm x 76 mm x 3 mm square hollow section plus 2- 30 x 30 x 3 angles welded to column x 2200 mm long with column welded to 200 x 100 x 10 mm plate at the top and a 200 x 200 x 10 mm base plate welded to bottom end. Base plates fixed to the concrete footing with 4-M12 expansion bolts.
Column footings: Concrete	600 x 600 x 300 mm thick concrete (20 Mpa) in suitable foundation material.
Rafters: Strength for stable, durable structure.	Cold rolled 125 x 50 x 20 x 2.5 mm lipped channels, with strengthening at eaves connection and manufactured as indicated on plan with 5 degree pitch.
Purlins: Strength for stable durable structure.	Cold rolled 125 x 50 x 20 x 2.5 mm lipped channels x 3976 mm long bolted to rafters as indicated on plan with 90 x 125 x 5 mm plates and 2 x M12 bolts.
Door and window posts and frames: Strength for stable, durable structure.	Cold rolled 75 x 50 x 20 x 2.5 mm upper channel posts with 6 mm thick end plates bolted to rafter and floor as shown on drawing.
Side rails to support side cladding: Strength for stable, durable structure.	Cold rolled 75 x 50 x 20 x 2.5 mm sections with 6 mm end plates bolted to posts and columns - see drawing.
Flashings: Meet OHS Act. Safe, sustaining of normal weather conditions, adequate resistance to water penetration.	Roof ridge flashings 0.8 mm thick galvanised mild steel bent as shown on drawing.
Door: Framed, lockable and hinged.	Purpose made framed single panel steel door with sheeting, hinged one side with barrel bolt to inside and hasp and staple on outside.
Windows: Minimum 5% of floor area framed and glazed.	Standard type D7 with glazing.
Flooring: Level, solid on compacted fill, 150 mm above ground.	Concrete floor 75 mm (20 Mpa concrete) on compacted soil to 93% MOD AASHTO density.
Thermal Efficiency: To suit roofing material and local conditions.	Bubble foil with straining wires below roof sheeting.

D. Damaged permanent houses

- The repair or replacement of formal superstructures must comply with the National Norms and Standards in respect of Permanent Residential Structures.
- Consideration will be given to the repair or replacement, with similar materials, and under proper supervision, of superstructures constructed by traditional methods.
- Where formal superstructures need to be replaced at a new site, the requirements of the NHBRC must be complied with.
- Assistance in this case will be limited to a maximum of the consolidation subsidy amount applicable at the time of project approval as may be amended from time to time.

2.6 EXTRAORDINARY DEVELOPMENT CONDITIONS

Given the diverse nature of emergency housing situations that could exist, variations in terms of aspects such as geophysical conditions, topography, land prices and the availability of other acceptable local or alternative building materials may be applicable.

2.6.1 VARIATIONS APPLICABLE TO TEMPORARY SETTLEMENT AREAS

Deviations from the guideline norms and standards and variations allowed as indicated above should be fully motivated. For instance:

- The use of timber or wood shelters in dense temporary settlement areas cannot be considered, whilst it could be viable in certain more dispersed situations;
- The use of VIP toilets may not be appropriate in certain situations and an alternative system may therefore be required.

For the purpose of accommodating any extraordinary development conditions such as geophysical conditions, topography, project location, a variation of up to a maximum of 3% on the total grant amount per grant (based on a higher than normal settlement density of up to 5 shelters per ordinary stand of 250m²) to be allowed, could be considered. The actual variation will be based on professional assessment confirming the relevant conditions and must be costed in terms of minimum precautions recommended by the professional.

In the Southern Cape Coastal Condensation area, an amount additional to the above variation could be applied for, based on a professional designed specification for a specific product.

In respect of areas where the use of VIP toilets may not be appropriate and where an alternative system such as a small bore or other appropriate system need to be provided, an additional amount per grant (based on a higher than

normal settlement density of up to 5 shelters per ordinary stand of 250 m²), could be applied. The actual variation must be based on professional assessment confirming the relevant conditions with detailed motivation and costing.

In respect of Category (1) situations as described in Table 1 above a maximum variation of 15% on the grant amount per grant, to address additional services costs based on a more permanent settlement layout, could be applied.

Variation in the price to acquire land based on market related rates. Please refer to paragraph 3.7 for the details in this regard.

For the category 3 (Temporary Settlement) solution, under this Programme, land may be acquired through lease, as a last resort.

Provision of funds to address matters such as the cost of relocation or site rehabilitation, based on professional assessment and full motivation and the provision of high-mast lighting as a last resort, where funds could not be obtained from other sources or government programmes.

2.6.2 VARIATIONS APPLICABLE TO DAMAGED PERMANENT HOUSING

For the purpose of accommodating extraordinary development conditions such as geophysical or location factors or a combination thereof, the variations as provided for in the Variation Manual described in the General and Technical section could be considered.

For the purpose of accommodating disabled persons, the disability variation as contained in the Variation Manual described in the General and Technical section could be considered.

In the Southern Cape Coastal Condensation area, an amount additional to the above variation could be applied for, based on a professional designed specification for a specific product could be considered.

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

2.6.3 ADDITIONAL FUNDING

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

2.7 LAND ACQUISITIONING

Where land suitable for housing development in emergency housing situations is required, it must first be sought from land identified in Spatial Development Frameworks that supplement Integrated Development Plans.

Preference should be given to the acquisition of State owned land.

Privately owned land may be acquired through purchase as a last resort.

A. State land

Through the PLRO of the Department of Rural Development and Land Reform information may be obtained from that Department's state land inventory data base system, as part of land identification.

With the PLRO's assistance, the ownership and/or vesting status, tribal authority involvement or other rights to the land, land claims/claimants and rights involved, as well as the most appropriate and expedient course of action to secure State land for emergency housing purposes must be determined.

In the case of State land under the jurisdiction of a tribal authority/community, the PSLDC must first recommend an application of vesting, lease or disposal of State land.

In the case of national state land controlled by the National Public Works Department, consultation with that Department must be routed through the PSLDC.

In the case of non housing land that vests or is registered in the name of a provincial government, its department responsible for land reform must be approached to secure such land in accordance with appropriate provincial land administration legislation.

B. Land Acquisitioning through purchase or agreement

In the case of State land, a request must be made for the land to be made available free of charge. A land transfer agreement must be concluded.

For privately owned land, the purchase price must be based on market-related prices to be established on the basis of the average of three independent valuations by qualified professionals and must be negotiated with the owner and an effort be made to obtain an option to purchase. Failing the achievement of an agreement with the land owner, the expropriation of the required land could be considered in terms of the provisions and procedures required by the Expropriation Act, 1975 (Act No. 63 of 1975).

C. Land Acquisition through lease agreements

In certain circumstances, it may be preferable/the only option available to lease the land. In such cases the MEC could be requested to approve the lease of the relevant land, as a last resort.

- In the case of State land, a request should be made for the land to be made available free of charge, especially in the case of temporary settlement. A land acquisition agreement must be concluded.
- For privately owned land, the lease amount should be based on market-related rental to be established on the basis of the average of three independent valuations by qualified professionals and must be negotiated with the owner and an effort be made to obtain the lease.
- Assistance to be provided with the lease of land under this Programme should be limited to a fixed period to be agreed upon with the municipality and/or the province, but not exceeding 12 months.

2.8 PLANNING AND TOWNSHIP ESTABLISHMENT

- For the purpose of housing development in emergency housing situations where land use, planning and township establishment including environmental impact assessments, need to be conducted, accelerated procedures as provided for in applicable legislation set out in Annexure C should as far as possible be applied.
- The most appropriate available legislation applicable to the area and the emergency housing situation should be selected. The use of normal procedures as prescribed in existing legislation should only be used as a last resort, since this could cause undue delays with the implementation of emergency housing projects.

2.9 PROCUREMENT OF HOUSING GOODS AND SERVICES

The contract strategy deployed under this Programme will depend on the specific emergency housing situation and the municipalities and/or provincial government will be allowed considerable discretion therein. In all instances the prescripts applicable to the municipalities and/or the provincial government as provided in the Constitution, 1996 (Act No. 108 of 1996); the Public Finance Management Act, 1999 (Act No. 1 of 1999) and the Preferential Procurement Policy Act, 2000 (Act No. 5 of 2000) must be complied with. The following housing services and goods may be required by the municipality:

- Professionals to assist with technical support.
- The acquisition of land.

- Provision of building materials, to be procured in a number of ways, depending on the nature of the emergency housing situation.
- Contractor services to assist with municipal engineering services installation and/or repair, and or the erection of temporary shelters, repair or reconstruction of damaged housing.
- Labour.
 - a. In all instances acquisition procedures which are fair, equitable, transparent and cost effective must be followed. Decision making must be rational, the reasons for decisions must be recorded and must be reported to the accounting officer of the PD and must be disclosed on request.
 - b. In instances where municipalities have defined categories of preference, the Preferential Procurement Policy Act, 2000 (Act No. 5 of 2000) will apply.
 - c. In the case of professional services, the appointment may take place on an *ad hoc* basis or from a roster of service providers, following the guidelines on fees issued by the Department of Public Services and Administration.
 - d. In other cases the following alternatives strategies are available, under the supervision of a municipal bid committee:
 - Public tender, supervised by a bid committee; or
 - Depending on the value of the contract, obtain at least three quotations, using an accelerated process: Quotations may be solicited only from reputable firms which preferably operate within the municipality's area of jurisdiction. They should be evaluated by a bid evaluation committee and the reasons for dispensing with open competition should be clearly recorded and approved; or
 - Direct procurement in certain limited situations, as prescribed in the Dispensing with Tender Regulations issued under section 12 of the Local Government Transition Act, 1993 (Act No. 209 of 1993) as amended or as may be replaced by new legislation; or
 - Extension of an existing contract, although municipal by-laws and regulations may preclude or limit this approach.

2.10 OWNERSHIP OF SHELTERS TO BE PROVIDED UNDER THE PROGRAMME

The ownership of temporary shelters to be provided under the Programme should vest in the PD.

The PD may negotiate the transfer of ownership of the shelters to the municipality where this is feasible and practicable.

The PD may negotiate and agree with the municipality to take responsibility for the use, management and maintenance, dismantling, removal and safe storage of shelters.

Any such agreements must form part of the agreement between the PD and the municipality, and must comply with the provisions of the Public Finance Management Act, 1999 (Act No 1 of 1999).

2.11 LOCAL PROJECT CO-ORDINATION

The guidelines pertaining to local project co-ordination contained in Annexure D should be used as a guideline and may be adapted to suit the category of project approved and the local circumstances applicable.

2.12 PERFORMANCE MEASUREMENT

The following indicators should be used to evaluate and regularly report on the impact of projects for the provisioning of emergency housing and should also inform the success of implementation of this Programme as a whole:

- Performance against the work plan and expenditure targets contained in the approved business plan;
- A reduction in the need for funding under this programme as a result of the pro-active planning undertaken by municipalities because potential emergency circumstances have been timeously identified and effectively dealt with by the use of the municipalities' own interventions or another available Housing Programme;
- The sustainability of emergency housing projects should to be measured through:
 - Where applicable, the successful transformation of the temporary facilities provided in terms of this Programme into permanent sustainable housing facilities; and
 - Where it is not intended that the facilities provided in terms of this be transformed into permanent housing facilities, the successful re-use of such temporary facilities when emergency circumstances arise.
 - A beneficiary satisfaction survey to determine the impact of the development on their lives.
 - The willingness and ability of residents to pay for facilities as demonstrated by increased local government revenues;

- The willingness and ability of government agencies to maintain and operate public infrastructure developed through emergency housing projects;
- The environmental impact of emergency housing projects; and
- Improvements in living conditions measured through:
 - Health indicators (particularly decline in waterborne diseases and infant mortality rates, where these indicators have been recorded and are available); and
 - Access to water and sanitation (households having access to “improved” drinking water and sanitation)

2.13 INSTITUTIONAL ARRANGEMENTS

The roles and functions of national, provincial and local government are based on the principles of co-operative governance and subsidiary and the creation of partnerships between the different spheres of government. This thus implies that normally a role or function should be performed at the level most suitable for the circumstances.

All parties involved must address prescribed procedures expeditiously given the particular circumstances of the emergency situation

The roles and functions attributed to the three spheres of government and others under this Programme are as follows:

2.13.1 RESPONSIBILITIES OF MUNICIPALITIES

It will be the responsibility of a municipality to consider whether specific circumstances in its area of jurisdiction merits the submission of an application for assistance under this Programme, and if so the relevant municipality should:

- Initiate, plan and formulate applications for projects relating to emergency housing situations, which in the case of municipalities which are not accredited, must be in collaboration with and, under the supervision of the PD;
- Request assistance from the PD on any of the matters concerned if the municipality lacks the capacity, resources or expertise;
- Submit the application to the relevant PD;
- Implement approved projects in accordance with agreements entered into with PDs;
- Assume ownership of the engineering services installed;

- Manage, operate and maintain settlement areas developed under this Programme;
- As a precondition for approval of an application, conduct planning for the development of a permanent housing situation for affected persons, wherever appropriate;
- Ensure as far as possible the availability of bulk and connector engineering services;
- Provide basic municipal engineering services such as water, sanitation, refuse removal services and other municipal services;
- Provide materials, assistance, and support where necessary to enable the installation or repair of engineering services or the repair or construction of shelters by or for the affected persons;
- A district municipality must provide inputs and assistance to a local municipality, and vice versa in appropriate circumstances;
- Liaison with other bodies: A municipality must take steps to establish liaison channels and procedures both within its organisation and with other public and private bodies to deal with emergency situations effectively when they arise;
- Ensure that situations which may qualify for consideration under this Programme are given expeditious treatment. This includes the use of accelerated land use and planning procedures;
- Where appropriate, assisting with the transport of affected persons and their belongings to resettlement sites; and
- Adhere to the general procedures on local project co-ordination in executing projects approved under the Programme as contained in Annexure D.

Undertakings required from the municipality

Where appropriate, undertakings will be required for:

- Implementing the project;
- Taking the necessary steps to ensure the provision of bulk and connector services to a project;
- The provision of municipal services for purposes of a project;

- The management and control of land, basic municipal engineering services, and shelter developed for purposes of the project;
- Keeping and maintaining a register of persons/families who benefited from assistance provided under the Programme;
- Taking responsibility for the assets to be created in the process, except in the case of damaged formal housing;
- Providing relocation assistance to affected persons; and
- The planning and development of a permanent housing solution for affected persons.

2.13.2 RESPONSIBILITIES OF PROVINCIAL DEPARTMENTS

The PDs will be responsible for the funding and implementation of this Programme in partnership with municipalities. PDs must do everything in their power to assist municipalities to achieve their obligations under this programme. The Provincial Government must:

- Collaborate with and assist municipalities in the initiation, planning and formulation of applications for projects under this Programme;
- Assume the development responsibility of the municipality in cases where the municipality is clearly not able to fulfil its obligations under the Programme;
- Forward applications to the MEC together with comments and recommendations including views on the eligibility for assistance and the capacity of the municipality concerned to undertake and complete the project successfully;
- MECs will have decision-making authority;
- Take appropriate steps in accordance with section 139 of the Constitution of the Republic of South Africa, 1996 (Act no. 108 of 1996), to ensure the performance of the duties and obligations provided for in section 7 of the Housing Act, 1997 if the municipality is unable to do so;
- Reserve, reprioritise and allocate funds from its annual budget allocation and manage, disburse and control funds allocated for an approved project, in accordance with an agreement with a municipality;

- Monitor the implementation of a project by a municipality;
- Assist municipalities with the use and implementation of accelerated planning procedures as described in Section 12.3.9 of this Chapter;
- Update the Housing Subsidy System with the details of project beneficiaries under this Programme; and
- Assume ownership of the temporary shelter provided and ensure the dismantling and safe storage of prefabricated shelter units after use, for re-use later on. The PD may negotiate this matter with the municipality.

2.13.3 RESPONSIBILITIES OF THE NATIONAL DEPARTMENT

The National Department must:

- Maintain the policy and Programme, and assist with interpretation;
- Monitor Programme implementation;
- Negotiate the apportionment of funding for the Programme and allocate such to provinces for project execution and release allocated funds on a cash flow basis;
- Provide implementation assistance;
- If required, establish a national co-ordinating body to address large scale emergency housing needs. Funding for this purpose will be made available from the National Department's operational budget; and
- Provide assistance with the release of State Land for emergency housing purposes.

2.13.4 OTHER GOVERNMENT DEPARTMENTS

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

The National Department of Agriculture and Land Reform

This Department could be involved with regard to:

- Consideration and if possible approval of land development applications in terms of planning legislation such as the Provision of

Land and Assistance Act, 1993 (Act No. 126 of 1993) where applicable;

- The availability and transfer of State Land;
- Certain cadastral information through the Directorate: Public Land Support Services;
- Through the Deeds Office, the ownership status of land;
- Through the Surveyor General's Office, the provision of compilation plans and other similar cadastral information and the approval of possible diagrams relating to the land; and
- Assistance regarding land tenure rights and in dealing with the Interim Procedures Governing Land Development Decisions which require the consent of the Minister of Rural Development and Land Reform as nominal owner of the land

The Department of Cooperative Governance and Traditional Affairs

This Department could be involved with regard to:

- Declared states of disaster in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002);
- Providing assistance with the provision or repair of bulk or connector engineering services in respect of municipal engineering services in terms of the MIG; and
- Providing assistance with the rehabilitation of internal reticulation systems in respect of basic municipal engineering services through the MIG.

Other Provincial Departments:

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

The Departments of Home Affairs and Police:

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

2.13.5 PROFESSIONAL SERVICE PROVIDERS

The assistance of professional service providers can be procured to assist with technical support

The need for any of the above services and assistance should be well motivated and will only be considered where either the municipality, district municipality or PD clearly demonstrates a lack of sufficient available capacity or specific expertise required to address any of the matters required for implementing emergency housing projects, or where the MEC in its opinion will require such services or expertise, or where the National Department may require such services to assist a national co-ordinating body instituted by it.

2.14 MEMORANDUM OF UNDERSTANDING

Once a project has been approved and the PD has allocated the necessary funds, the municipality should enter into a written agreement with the PD.

Each agreement between a PD and a municipality should incorporate the approved business plan as an annexure, and should be signed on behalf of the PD by the head of the department and the municipal manager or other duly authorised representatives. Details to be included in the Memorandum of Understanding are the following:

- Conditions imposed by the MEC when approving the project;
- Requirements of the procurement process applicable;
- Total number of persons/households to be assisted under the project;
- Detailed description of the land and basis for securing the land where assistance will be provided;
- The envisaged planning of the area and the type of assistance that will be provided in terms of:
 - Secure access to the land;
 - Basic municipal engineering services to be provided;
 - The type of shelter to be provided to affected persons;
 - Details of any other assistance to be provided; and
 - A detailed itemised breakdown of all amounts of the grant and the total grant amount.
- A detailed project implementation plan also indicating the cash flow, agreed project milestones and progress payments;

- The amount of the grant approved under this Programme which will be discounted against subsequent housing subsidies to the extent to which it contributes materially to the future permanent housing solution for the beneficiaries of the Programme;
- Rental to be charged for the shelter provided subject to any applicable provisions for assistance to indigent persons;
- Arrangements pertaining to the responsibility for the use, management and maintenance, dismantling, removal and safe storage of temporary shelters provided or the transfer of shelters to the municipality;
- Arrangements to be made in respect of payment of service charges and where applicable municipal rates;
- The agreed professional services to be procured, detail on the work to be done, and fees to be paid;
- Detail on any other agreed housing goods or services to be provided and/or procured; and
- Any other matters deemed reasonable and necessary to ensure meeting project objectives.

2.15 FUNDING THE PROJECT

A. General Rules

Funds will be made available by the PDs through the reservation of funds and/or reprioritisation as emergency circumstances arise, to fund projects approved under this Programme. The authority to consider and approve projects and the financing of such projects will vest in the MEC.

- Project funding will be determined by the MEC based on the nature and extent of the emergency housing situation;
- Once a project has been approved a grant will be made available to a municipality by a PD to undertake the provision of emergency housing assistance;
- Municipalities may facilitate project management through the establishment of internal, dedicated teams, through the establishment of units, through the out-sourcing of project management capacity or through a combination of these strategies;
- Persons qualifying for assistance under the Programme may include persons who do not comply with the qualification criteria applicable to the Housing Subsidy Scheme; Grants will not be made for assistance which should be funded by another government programme.

B. Funding Amounts

The guidelines for amounts to be considered for each aspect of a project will be published by the National Department and provided to municipalities by annual circular. The actual cost of the project will be determined by a variety of considerations such as the location of the project, service standards, the township design and layout, the development options selected and local tender prices.

Emergency Subsidy Programme

PART A Housing Assistance in Emergency Circumstances

- 1 Overview
- 2 Policy Prescripts and Provisions

PART B Guidelines for Implementation of Emergency Housing projects

- 1 Nature of Guidelines
- 2 Important Considerations
- 3 Suggestions on How to Undertake Emergency Housing Projects**
- 4 Annexures:
 - A Application Form – Housing Assistance in Emergency Circumstances
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 - C Guidelines on Accelerated Land Planning and Township Establishment Procedures
 - D General Procedures on Local Project Co-ordination

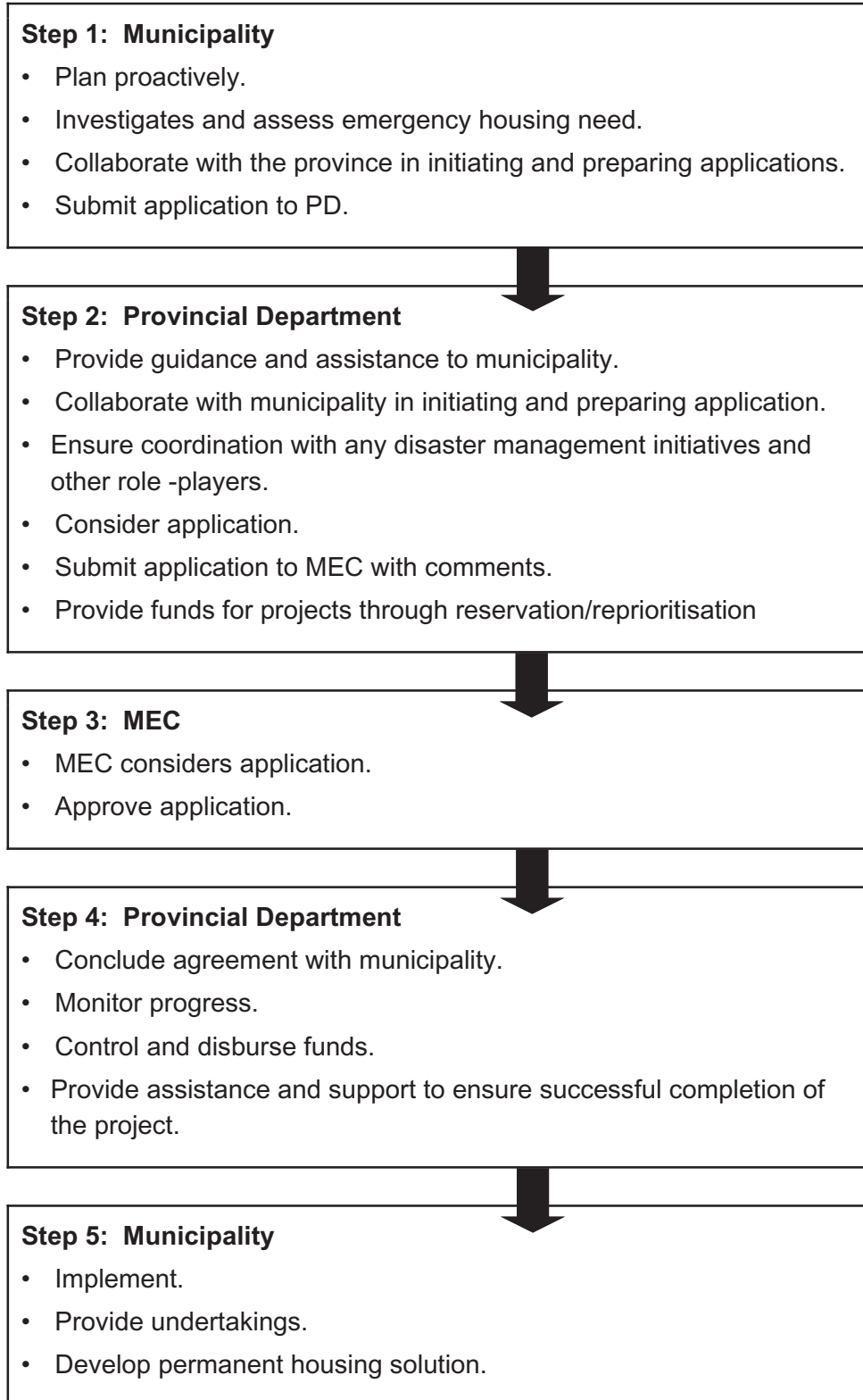


human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

3 SUGGESTIONS ON HOW TO UNDERTAKE EMERGENCY HOUSING PROJECTS

SUMMARY OF MAIN STEPS OF PROJECT APPLICATION



3.1 PROCEDURE ONCE A NEED FOR EMERGENCY HOUSING HAS BEEN IDENTIFIED

The municipality must immediately investigate and assess the identified emergency housing need giving due consideration to the following aspects:

- The cause thereof.
- The nature and extent of the situation in terms of the number of families/persons affected, number of structures affected, if any, the level of damage to such structures, municipal engineering services affected or damaged, if any and the land affected.
- Any prevailing risk factors that might aggravate the situation.
- If the situation requires intervention, and, if so, whether the municipality can itself address the situation utilising its own means.
- If the situation requires immediate or emergency assistance beyond the means of the municipality, the PD must be notified immediately and be requested to assist.
- If the situation ought to be classified as a disaster in accordance with the guidelines provided by the Department of Cooperative Governance and Traditional Affairs, and if so, take the required steps to comply with the said guidelines.

3.2 HOW TO APPLY FOR FUNDING

If in the opinion of the municipality, assistance under this Programme will be required, the emergency housing need should be categorised in accordance with the guideline provided in table 1 above. This will require an assessment of the following aspects:

- The situation as described above;
- If required, available options to address the need, in terms of suitable land for settlement purposes, which could either be land with a permanent settlement solution as first option or land with a temporary-settlement solution, if no other alternative is available;
- The need for settlement of affected persons in terms of the categories described in table 1, or the possibility to provide temporary assistance at the current occupied site;
- The need in terms of the other purposes or activities for which assistance may be required, including the provision, repair or replacement of certain or all of the municipal engineering services, certain or all of the parts of shelter or the repair or reconstruction of existing damaged formal houses;
- The goods or services that can be provided under this Programme; and
- Identifying the appropriate development category in terms of which a project will be planned and funds will be applied for.

3.2.1 PROCEDURE TO FOLLOW IF FINANCIAL ASSISTANCE IS REQUIRED FOR MAKING AN APPLICATION

- If the municipality, based on its assessment of the emergency housing situation and its own resources, determines that the situation requires immediate or emergency assistance beyond its means for preparation of an application, the PD must be notified immediately and be requested to assist.
- If the PD, in collaboration with the municipality, determines that financial assistance and/or advice for preparing an application will be required, the PD in conjunction with the municipality, can as a last resort prepare and submit a fully motivated request to the MEC, for assistance.

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

3.3 CONTENTS OF AN APPLICATION FOR ASSISTANCE

Situations may vary significantly, so the measures described herein are only intended to serve as guidelines. The municipality should prepare an application in the form contained in Annexure A. The application could contain information regarding the following:

- Particulars of the applicant;
- A description of the emergency need, indicating its nature, origin and the planned course of action, including the following information:
 - The locality of the emergency housing situation including whether it involves an existing formal township or housing situation or an informal situation.
 - A community profile covering the broad demographics and situation of the persons affected, including the situation with regard to the presence of illegal immigrants and non subsidy qualifying beneficiaries.
 - Steps taken to date.
 - Whether there is any need to relocate affected persons and if so, details on the new location and the land proposed for resettlement.
 - Whether a state of disaster has been/is to be declared, in which case this Programme is to be used to augment the disaster management processes. The processes and extent of augmentation must be discussed and evaluated with the disaster management structure.

- Details on the funding required, including the availability of other options regarding funds and help from other sources.
- The communication strategy proposed to be employed with regard to the affected persons.
- Municipal capacity status and requirements.
- Linkages with existing and/or other programmes.
- A statement of the special and exceptional situations, which might justify emergency assistance in terms of this Programme.
- The proposed project business plan and financial flow details.
- The number of shelters to be provided, details of municipal engineering services to be provided/details of existing formal houses to be repaired or reconstructed.
- The details on land ownership, the land acquisition plan and price of land.
- The contracting strategy details.
- A detailed plan for the permanent settlement solution of the affected persons in terms of the agreed priorities and actions to be taken regarding non qualifying housing subsidy beneficiaries.
- Any other or further information, which, in the opinion of the applicant, may assist the MEC to come to a decision in the matter.

3.4 SUBMISSION OF APPLICATION TO THE PROVINCIAL DEPARTMENT

The application prepared should be submitted to the PD who will evaluate the application and submit it to the MEC for decision.

Upon receipt of an application from a municipality, the PD should:

- Acknowledge receipt thereof within seven days;
- As soon as possible examine the application to ascertain whether it is procedurally correct, comprehensive, and appears to contain an appropriate motivation for consideration as a case of emergency housing situation. If this is not the case, the application must be returned promptly with an indication of what is incorrect or incomplete. In such cases, the application may be amended and resubmitted;
- Ensure that each submission is accompanied by a document explaining any strategy proposed for follow through actions after the completion of the project.
- Confirm that funds are available for the project; and

- Evaluate the application forthwith and forward the documents concerned, together with its own evaluation, comments and recommendations to make a suitable submission to the MEC for consideration.

3.4.1 CONSIDERATION OF PROJECT APPLICATIONS BY THE MEC

In making its decision the MEC shall, where appropriate, give due consideration to the following criteria:

- Conformity to the policy intent of the Programme and meet the requirements of the definition of emergency housing situations;
- The cause, nature and extent of the emergency housing situation;
- Actions already taken to address the immediate situation;
- The policy contained in Part One of this Programme;
- Potential for further aggravation if emergency action is not taken;
- The availability of funds in relation to the need to provide for other demands which might be made;
- Prevailing environmental conditions;
- Community involvement;
- Capacity of the municipality and/or the PD to assist or to address the situation;
- The evaluation of the PD of the situation and its recommendations thereon;
- The need to request assistance from the National Department;
- Employment potential;
- Technical feasibility of the proposed course of action;
- Innovation, replicability and cost efficiency;
- Accountability and the gearing of other possible State or other resources;
- Availability of suitable land, social and municipal services;
- The cost structure of the application in terms of the funding and technical requirements and guidelines.;
- The land ownership details, land acquisition plan, land price; and
- The planning regarding the permanent housing solution for the affected persons.

3.5 APPROVAL OF APPLICATION

- If the application is approved, the MEC will, subject to the conditions of this Programme, determine specific terms and conditions applicable to the approval and the PD will register that approval and inform the municipality accordingly.
- No application should be approved unless funds are allocated to the project by the PD.
- The MEC, in approving an application and in addition to any other conditions, may stipulate the nature and scope of any other agreement(s) it deems necessary for the successful completion of the project.
- The PD must immediately notify the municipality whether an application has been approved, approved with conditions, partially approved or declined.

3.6 AFTER APPROVAL OF THE EMERGENCY HOUSING PROJECT

3.6.1 AGREEMENT BETWEEN THE PROVINCIAL DEPARTMENT AND THE MUNICIPALITY

Each agreement between a PD and a municipality should incorporate the approved application as an Annexure. The agreement must be signed on behalf of the PD by the Head of the Department and the municipal manager or other duly authorised representatives.

The agreement should at least contain the following:

- Conditions imposed by the MEC when approving the project;
- Requirements of the procurement regime applicable;
- Total number of persons/households to be assisted under the project;
- Detailed description of the land and basis for securing the land where assistance will be provided; and
- The envisaged planning of the area and the type of assistance that will be provided in terms of:
 - Secure access to the land;
 - Basic municipal engineering services to be provided, if applicable;
 - The type of shelter to be provided to affected persons, if applicable; and,
 - Detail of any other assistance to be provided.
- A detailed itemised breakdown of all amounts of the grant and the total grant amount;

- The amount of the grant approved under this Programme which will be discounted against subsequent housing subsidies to the extent to which it contributes materially to the future permanent housing solution for the beneficiaries of the Programme;
- A detailed project implementation plan also indicating the cash flow, agreed project milestones and progress payments;
- Rental to be charged for the shelter provided subject to any applicable provisions for assistance to indigent persons;
- Arrangements pertaining to the responsibility for the use, management and maintenance, dismantling, removal and safe storage of temporary shelters provided or the transfer of shelters to the municipality.
- Arrangements to be made in respect of payment of service charges and where applicable municipal rates;
- The agreed professional services to be procured, detail on the work to be done, and fees to be paid;
- Detail on any other agreed housing goods or services to be provided and or procured; and
- Any other matters deemed reasonable and necessary to ensure meeting project objectives.

3.6.2 PROGRESS PAYMENTS

A. Payment for providers of housing goods and services

The PD will manage the approved project budget and expenditure of funds must be for the purposes approved and subject to the conditions imposed by the MEC.

The principle of the achievement of value for money must be upheld when payments are considered for housing goods and services.

Where the municipality implements the project, the municipality should validate, approve and submit claims received or prepared by itself to the PD for final approval and the transfer and/or payment of the amount so claimed.

Where the PD implements the project, it must validate and approve claims received and effect payment thereof.

The circumstances and nature of the project as described in the application and project agreement will determine and identify the cash flow requirements of the specific project.

B. Advance payments to municipalities

Advance payments to a maximum of 30% at a time, of the total available amount per agreed project phase (as set out in the table below), can be made to a municipality who implement a project. The submission and payment of subsequent claims for further advance payments or for actual work done will be subject to the receipt and approval of proof for work done, in terms of any prior advance payment made.

Table 4: Guideline Project Phases and Payment Milestones.

PHASE 1: LAND ACQUISITIONING, PLANNING AND ENGINEERING SERVICES DESIGN				
Milestones		Description of Milestone Activities	Nature of Payment	Document required as proof for payment
1.1	Land Acquisitioning	<ul style="list-style-type: none"> • Land acquisitioning agreement. • The lodgement of the transfer documents for registration in Deeds Office. • Opening of township register if applicable. 	Full purchase price of land and fees payable to conveyancer on lodgement and completion as applicable.	Signed acquisition agreement Proof of lodgement of registration. Proof of final registration.
1.2	Planning and Land Surveying	<ul style="list-style-type: none"> • Finalisation of Base Plan, site investigations (EIA, geotechnical), layout planning, township establishment and approval. • On submission of General plan for approval. • On approval of general plan, pegging of stands and opening of township register as applicable. 	% of fees for: Town planning, land surveying, geotechnical and EIA services as interim payment. Final payments on completion.	Copy of contour plan, approved SG diagram, Municipal approved draft General Plan, SG approved General plan and pegging of stands as applicable. Proof of municipality approved layout plan, proof of submission of land development application, proof of environmental record of decision, letter of approved application, letter of approval of township registration, as applicable.

PHASE 1: LAND ACQUISITIONING, PLANNING AND ENGINEERING SERVICES DESIGN				
Milestones		Description of Milestone Activities	Nature of Payment	Document required as proof for payment
1.3	Engineering services design	<ul style="list-style-type: none"> On submission and municipal approval of final engineering services design, specification and procurement documentation. 	<p>% of fees for engineering services design as interim payment.</p> <p>Final payment on completion.</p>	Certified copy of approved engineering designs and specifications issued by the municipality, contract documentation.
1.4	Mediation and conflict resolution	<ul style="list-style-type: none"> Conduct mediation and resolve conflict. 	<p>% of fees as interim payment based on value for money.</p> <p>Final payment on final outcome.</p>	Monthly report and statements as per agreement, as the case may be.
1.5	Social surveys & beneficiary registration	<ul style="list-style-type: none"> Compiling beneficiary list & gathering of textual data. Site allocation and compilation of property register. Signing of lease/ rental agreements. 	<p>% of fees as interim payment based on value for money.</p> <p>Final payment on completion.</p>	<p>Municipal approved survey report.</p> <p>Municipal approved beneficiary registration database, list.</p> <p>Municipal approved signed rental agreements, as the case may be.</p>
1.6	Project Management	<ul style="list-style-type: none"> Approved project implementation plan. Project management in accordance with approved project plan. 	<p>% of fees as Interim payment based on value for money.</p> <p>Final payment on project completion.</p>	

PHASE 2: PROVISION OF MUNICIPAL ENGINEERING SERVICES AND SUPERVISION				
Milestones		Description of Milestone Activities	Nature of Payment	Document required as proof for payment
2.1	Installation and construction of engineering services	<ul style="list-style-type: none"> • Procurement. • Municipal engineering services installation approved by municipality including: construction of sanitation; roads and storm water and water supply. • Site supervision. • Handover of services to municipality and final municipal completion certificates. 	Interim payments on the cost of construction of services based on proof of value for money. Final payment on completion.	Copy of approved municipal handover certificate in respect of the municipal engineering services. Monthly site supervision reports, final municipal completion and handover certificate as applicable and build drawings. In the case of progress payments, municipal approved progress certificates.

PHASE 3: PROVISION OF SHELTER AND SUPERVISION				
Milestones		Description of Milestone Activities	Nature of Payment	Document required as proof for payment
3.1	Shelter provision	<ul style="list-style-type: none"> • Procurement. • Construction of shelter as per agreed specification. • Supervision. • Handover certificates. 	Interim payments on the cost for construction including labour and materials based on proof of value for money. Final payment on completion of shelter.	<p>A copy of municipal approved handover certificate per shelter in the case where contractors may be involved. A copy of municipal approved certificate of receipt of goods or material in good order.</p> <p>Municipal certificate on erection, allocation and occupation of shelters in the case of self-construction.</p>

- The envisaged expenditure and payment against milestones should be indicated in detail in the application and subsequent agreements. As and when specific agreed milestones are reached or completed, claims must be submitted to the municipality, or PD, as applicable, together with the necessary proof that the milestone has been reached. The municipality or PD should scrutinise claims so submitted and approve or reject them within the time period as agreed with the service provider.
- The municipality or PD, as applicable, should on approval of a claim, certify that all services, works and goods claimed for, have been received in good order and the work has been completed to its satisfaction. Where the municipality implements the project, the claim, together with such proof required and the municipal certificate of approval must be submitted to the PD for payment.
- The PD should satisfy itself that all requirements have been met and effect payment within 30 days from receipt thereof.
- The requirements for proof, as indicated in Table 4 above, should be required for each payment

- Payments made for a specific milestone must not exceed the amount indicated in the project budget for such specific milestone and/or product, work or service provided.
- At the conclusion of the emergency housing project, the municipality implementing the project should report to the PD, the details of the procurement strategy followed, including the quotations/bids received in respect of each purchase or service procured and the reasons for quotation selected.

C. Refunding

A situation may occur where expenditure is less than the budgeted amount. In such an event on project completion, the municipality will transfer such excess funds back to the PD.

If for whatever reason a situation occurs where an amount in excess of the amount to which a supplier of goods, works or services is entitled has been paid, the supplier will on demand refund the overpayment to the PD. The PD may set off such overpayment against any later amount due to the municipality or service provider.

If for whatever reason the project is cancelled, funds not expended will be transferred back to the PD. This will exclude funds legitimately still due for payment, as determined by the PD and the municipality.

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human settlements

Department:
Human Settlements
REPUBLIC OF SOUTH AFRICA

ANNEXURE A

APPLICATION FORM: HOUSING ASSISTANCE IN EMERGENCY HOUSING CIRCUMSTANCES

APPLICATION FOR APPROVAL OF GRANT ASSISTANCE TO THE MEC REQUIRED CONTENT CHECKLIST

PART 1	PARTICULARS OF APPLICANT
1.1	Name of municipality and/or Provincial Government:
1.2	Type and category in terms of the Local Government Municipal Structures Act, 1998:
1.3	Postal Address:
1.4	Physical address:
1.5	Telephone No:
1.6	Fax No:
1.7	Contact Person: (Name and surname, designation, telephone number, fax number, e-mail address).

PART 2	DESCRIPTION OF EMERGENCY HOUSING SITUATION
2.1	Brief description of the emergency housing situation, e.g., flood, fire, imminent eviction, or other reasons.
2.1.1	Description of location and cause of the emergency housing situation (attach location map).
2.1.2	Describe level of destitution /displacement and impact on persons.
2.2	Nature, scope, and extent of the emergency housing situation: Provide a full and detailed description of the emergency housing situation, including, among other matters, the nature of the emergency housing situation that needs to be redressed, e.g., whether land, municipal engineering services, and/or shelter is required, or the repair or reconstruction of damaged formal housing. (Complete Table A1 and C1 on "Assessment of emergency housing needs" including cost summary and provide full details in appendix thereto).

PART 3	COMMUNITY PROFILE
3	Together with the application, the municipality must submit a community profile containing the following particulars:
3.1	The number of affected persons, households, and families.
3.2	An income profile of the families.
3.3	The number of persons unemployed.
3.4	Whether relocation / resettlement is required, and, if so, full reasons.

PART 4	LAND, MUNICIPAL INFRASTRUCTURAL SERVICE, AND SHELTER
4.1	If land is required , provide the following information:
4.1.1	Whether the current settlement is in an urban, rural, communal land area, or other area (e.g. commercial farm, etc.).
4.1.2	Settlement pattern before the occurrence of the event which caused the emergency housing situation.
4.1.3	The nature of the current property rights of the persons concerned, e.g., illegal, informal settlement, tribal settlement, communal tenure rights, rent, leasehold, full

PART 4	LAND, MUNICIPAL INFRASTRUCTURAL SERVICE, AND SHELTER
	ownership, etc.
4.1.4	Have the affected persons been consulted, and have their consent and commitment to cooperation been obtained. If not, provide full particulars, including time frames, of the steps that will be taken to obtain their support and commitment.
4.1.5	Has land been identified for possible settlement, and if so:
	a) The location, description, and extent of the land.
	b) In whose ownership is the land.
	c) On what basis will the land be made available, e.g., donation, lease or purchase, and what are the terms and costs involved in each case.
	d) Are there any restrictions that will impede or preclude the use of land for temporary/permanent residential purposes in terms of, for instance, its title deeds, integrated development planning, the Environmental Conservation Act, 1991, or any other legislation? If so, how will these restrictions be removed?
	e) Does the land form part of an established housing development or on land that has been identified for housing purposes.
	f) If land has not yet been identified, provide full particulars, including time frames and estimated costs (refer to Table A1 and Annexure C), of the steps that will be taken to identify and acquire land.
4.1.6	Full particulars about the time frames and costs of preparing a layout plan for the area of settlement.
4.2	If municipal engineering services are required , provide the following information:
4.2.1	Full details of any municipal engineering services that are currently available or were available at the time of the occurrence of the event which caused the emergency housing situation. Provide:
	a) full particulars about the municipal services that are required;
	b) detailed reasons for the necessity to provide them under this programme; and
	c) full particulars of the estimated costs (refer to Table A1 and Annexure C) of, and the manner in which it is intended to install, the proposed municipal infrastructure.
4.2.2	The municipality must, together with the submission of this application, provide a written undertaking that it will:
	a) pending the installation of the municipal engineering services, provide basic municipal services to the affected persons in the form of water, refuse removal, and sewage removal services (where applicable) at affordable tariffs; and
	b) be able to provide bulk and connector services to the settlement area.
4.3	If shelter is required , provide the following information:
4.3.1	A full description of the accommodation that existed in the community before the occurrence of the event which caused the emergency housing situation.
4.3.2	Full and particularised information about:
	a) the number of persons for whom the shelters will be erected;
	b) the nature and description of the proposed structure that will be erected;
	c) the number of shelters to be erected;
	d) full and particularised details of all material required for the construction of the shelter; and
	e) the estimated costs (refer to Table A1 and Annexure C) involved in the provision of shelter and the manner in which it is intended to provide shelter; and
	f) any others costs required to execute the project.
4.3.3	Does the municipality have the capacity to provide training to affected persons on how to erect their own structures and to supervise the construction of the shelters, if applicable? If not, what steps does the municipality intend taking to acquire the required capacity.
4.4	Relocation/resettlement
	In the event of relocation and resettlement of persons, the municipality, must together with this application, submit a written undertaking that it will comply with all the prescripts relating to relocation and resettlement as set out in this Chapter.

PART 5 STEPS TAKEN TO DATE	
5.1	Provide details of all actions the municipality or any other person or institution has taken since the occurrence of the event which caused the emergency housing situation to ameliorate the situation or address the emergency housing situation.
5.2	Provide a list of other persons or institutions who have a substantial interest in the situation and provide details of such interest.
5.3	Has the emergency housing situation been declared a state of disaster in terms of the Disaster Management Act, 2002?
5.4	If so, what actions have been taken in terms of the Act?

PART 6 CAPACITY STATUS AND ARRANGEMENTS	
6.1	Institutional Capacity:
	Provide a brief description of the capacity available to address the emergency housing situation in terms of managerial and technical capacity available to manage, plan and implement the project.
6.2	Financial Capacity:
	Provide confirmation from the Provincial Department that funds are available for the project. Provide a description on the capacity to manage, control and administer funds, as well as the capacity to provide or arrange/negotiate other sources of additional funds for purposes of the emergency housing situation.
6.3	If the municipality lacks sufficient capacity to execute the project, indicate how it is envisaged to augment its current capacity in order to address the emergency housing situation?
6.4	Provide details on the proposed contracting strategy.

PART 7 LINKAGES WITH EXISTING AND/OR OTHER PROGRAMMES	
7.1	Can this project in any way be linked to any other public or private programmes, housing or otherwise, that may in any way assist in redressing the emergency housing situation?
7.2	Provide a detailed plan on achieving a permanent housing solution for the effected persons.

PART 8 FURTHER INFORMATION	
8.1	Provide any further information relating to the emergency housing situation, which in the opinion of the municipality and/or the province will assist the MEC in taking a decision.

PART 9 PROPOSED PROJECT BUSINESS PLAN	
9.1	Provide a detailed project business plan that includes financial flow details.

SIGNED AT _____

on the (day) _____ of (month) _____, (year) _____

in the presence of the undersigned witnesses.

WITNESSES

1. _____

2. _____

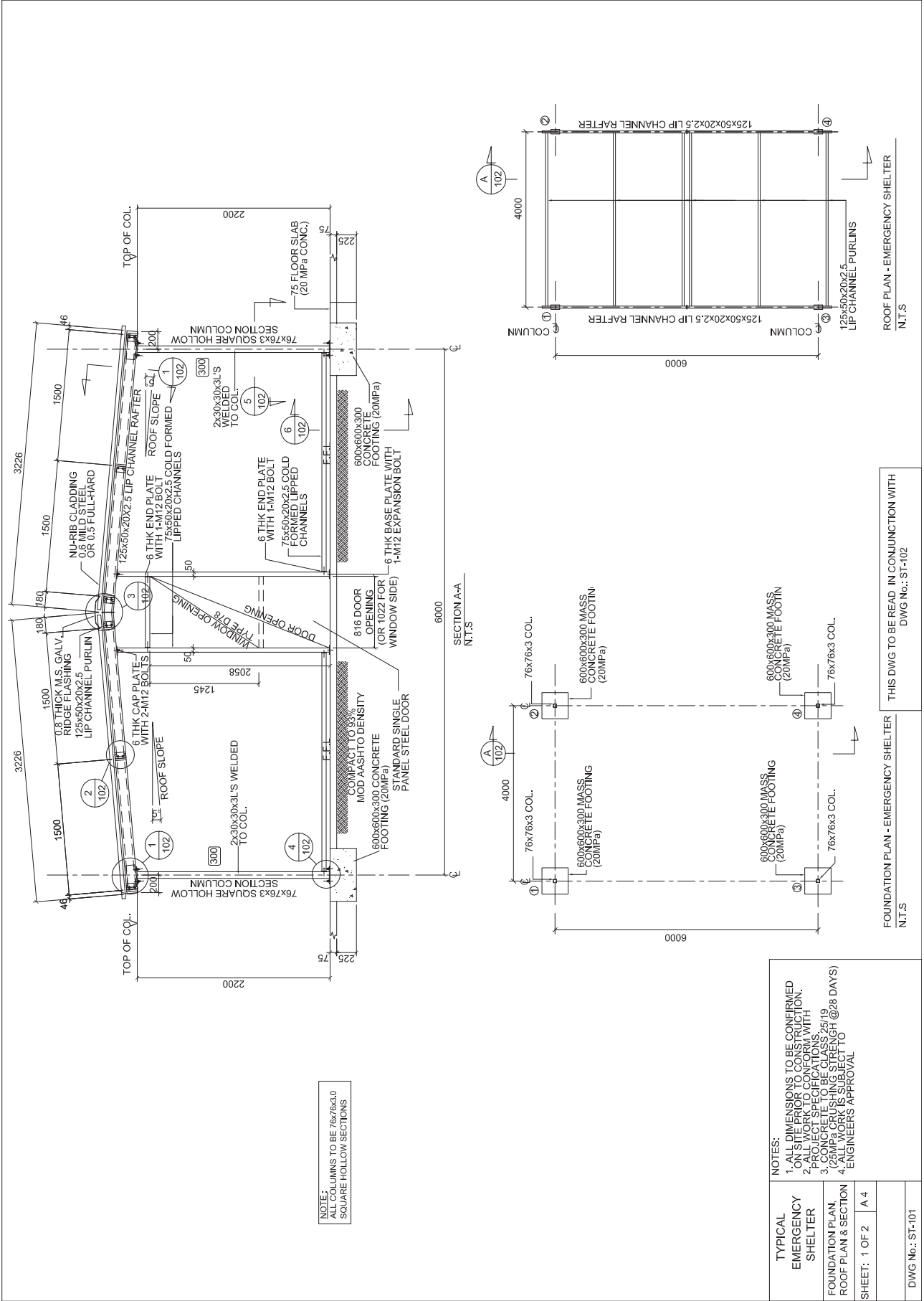
for and on behalf of (MUNICIPALITY)

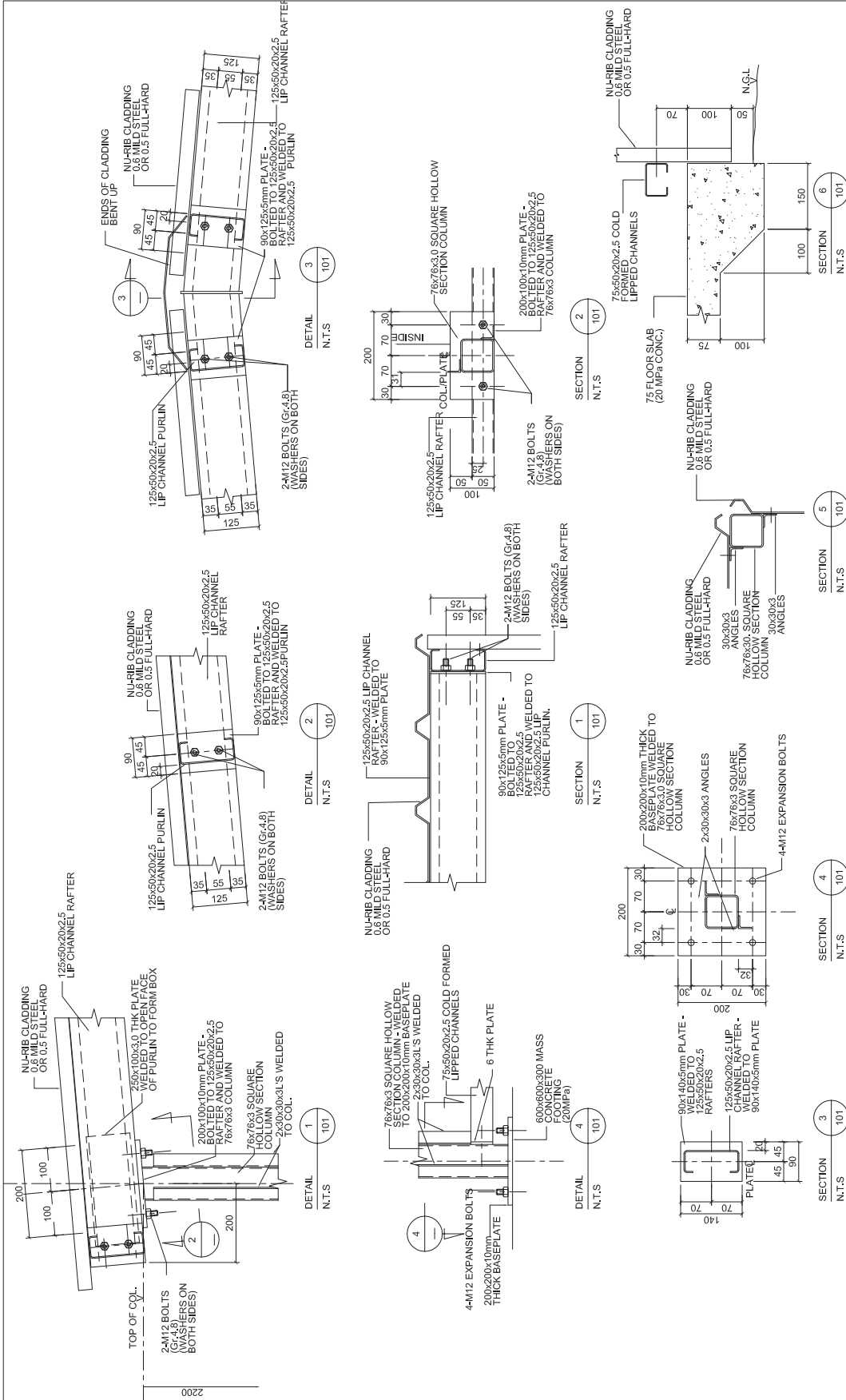
Table A 1: Assessment of emergency housing situation per development category with cost estimates

Note: 1. Use table to assist with assessment of emergency housing needs by inserting estimated amounts where applicable in the appropriate blocks. 2. Select only one category of development. 3. Attach detailed costing schedules.		EMERGENCY HOUSING NEEDS												
		1. LAND	2. MUNICIPAL ENGINEERING SERVICES			3. SHELTER		4. PROFESSIONAL SERVICES				5. TOTAL COST (R)		
		Land	Water	Sanitation	Roads and storm water	Assistance to construct shelter	Assistance with material components	Surveying	Planning	Engineering	Legal	Other (i.e. relocation process)		
SITUATION CATEGORY (1) EMERGENCY HOUSING SITUATION WITH PERMANENT SETTLEMENT SOLUTION	(1.1) Temporary on-site assistance. No relocation required													
	(1.2) Emergency relocation to a permanent location with assistance on a temporary basis													
	(1.3) Emergency temporary assistance through resettlement to an existing developed area													
(2) EXISTING HOUSING FOR PERMANENT SETTLEMENT SOLUTION	(2) Permanent Formal Housing to be repaired or rebuilt													
	(3) Temporary Settlement Solution													
	(3.1) Emergency assistance with relocation to temporary settlement area. To be relocated again													
(3) EMERGENCY HOUSING WITH TEMPORARY SETTLEMENT SOLUTION	(3.2) Emergency temporary assistance on site. Resettlement later on, to a permanent temporary area													
	(3.3) Emergency temporary assistance with resettlement to a permanent temporary area													

ANNEXURE B - SHELTER DRAWINGS

INCREMENTAL INTERVENTIONS: EMERGENCY HOUSING PROGRAMME | PART 3 (OF THE NATIONAL HOUSING CODE) | 2009





- NOTES:**
- 1- ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.
 - 2- ALL WORK TO CONFORM WITH NATIONAL HOUSING CODE.
 - 3- CONCRETE TO BE CLASS 25/19 (25MPa CRUSHING STRENGTH @28 DAYS)
 - 4- ALL WORK IS SUBJECT TO ENGINEERS APPROVAL

TYPICAL EMERGENCY SHELTER
SECTIONS & DETAILS
SHEET: 2 OF 2 A 4
DWG No.: ST-102

THIS DWG TO BE READ IN CONJUNCTION WITH DWG No.: ST-101

ANNEXURE C

GUIDELINES ON ACCELERATED LAND PLANNING AND TOWNSHIP ESTABLISHMENT PROCEDURES

1 FOR THE PURPOSES OF HOUSING DEVELOPMENT IN CIRCUMSTANCES OF EMERGENCY HOUSING, THE FOLLOWING LEGISLATION IS APPLICABLE

1.1 FOR PURPOSES OF TOTAL OR PARTIAL EXEMPTION FROM LEGISLATION AND PROCEDURES IN THE CASE OF EMERGENCY OR TEMPORARY HOUSING (I.E. IMMEDIATE DEVELOPMENT AND SETTLEMENT WITH LATER UPGRADING OF THE IN SITU DEVELOPMENT)

The Town-Planning and Townships Ordinances/Acts. This includes, Section 66 (3) under the General Provisions of the Town-planning and Townships Ordinance, 1986 (Ord. No. 15 of 1986) applicable to the former Transvaal and part of the Limpopo, North-West, Mpumalanga and Gauteng provinces, which stipulates that “The Administrator (now the Premier of the Province) may, on such terms and conditions as he may determine, exempt a statutory body from any provision or all the provisions of the Establishment of Township Chapter of the Ordinance. It also includes the Free State Townships Ordinance 9 of 1969, Section 19 that provides for the development of a temporary township; or

The Development Facilitation Act, 1995 (Act No. 67 of 1995) - Section 30.

1.2 FOR PURPOSES OF LESS FORMAL PROCEDURES (SEMI-FORMAL / FAST TRACK DEVELOPMENT)

The Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991) – Chapter I of the Act provides for emergency settlement.

1.3 FOR PURPOSES OF ACCELERATED PROCEDURES

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

2 TO ACHIEVE THE OBJECTIVES OF THIS PROGRAMME, THE ACTS DESCRIBED BELOW MUST BE CONSIDERED

2.1 PROVISION OF LAND AND ASSISTANCE ACT, 1993 (ACT NO. 126 OF 1993) AS AMENDED BY:

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

Provision of Certain Land for Settlement Amendment Act 26 of 1998, (Act No. 26 of 1998); and

Land Affairs General Amendment Act, 2000, (Act No. 11 of 2000).

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

b) Procedure

The local municipality must identify suitable land for settlement.

The local municipality must acquire the land.

The local municipality must prepare and submit applications to the:

Department of Environmental Affairs and Tourism for exemption of/scoping EIA/proper EIA; and

National Minister of Rural Development and Land Reform via the provincial Land Reform Office, for the designation of the land for settlement.

The application must include the following:

- Application Form/request
- Council/community/tribal Resolutions
- Power of Attorney
- Copy of the Title Deed
- Locality Plan (Scale 1:50 000)

- Partition Plan
- Motivational memorandum
- Consents of the bondholder/mineral rights holder (if any)
- Services Agreements (if any)
- Notices to affected parties/public notices (at least 21 days)
- Comments of parties and the reply thereto.

After approval of the application for designation, the municipality must appoint a land surveyor to survey the proposed partition and submit the partition plan to the Surveyor-General for approval.

The municipality must send a copy of the approved Partition Plan to the Minister of Rural Development and Land Reform, and the Minister will then designate the land in the Government Gazette for settlement subject to the approved Partition Plan and land use conditions, if any.

The municipality must appoint and instruct a Conveyancer to register the designation and Partition Plan in the Deeds Office.

2.2 LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991 (ACT NO. 113 OF 1991) AS AMENDED BY:

Proclamation R159 of 1994;

Development Facilitation Act, 1995 (No. 67 of 1995); and

Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998).

- a) The purpose of the Less Formal Township Establishment Act, 1991 is to provide for shortened procedures for the designation, provision, and development of land and the establishment of townships for less formal forms of residential settlement. This is a national act assigned to a competent person in the provincial government.

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

The Act also requires the competent person (MEC designated by the Premier of the province to whom the act was assigned) to give notice to the municipality only and to allow for a period of at least 21 days for comments. The competent person (MEC) may suspend any servitude or restrictive condition. The Act

excludes laws relating to the establishment of townships and town planning. Conditions may be imposed. The developer must cause a general plan to be prepared and submitted to the Surveyor-General for approval. This plan must be filed with the Deeds Registry Office. A township register must be opened and the designated land is deemed to be a township established in accordance with the law governing the establishment of townships in force in the area. Ownership of the erven is obtained by way of a Deed of Transfer and no transfer or stamp duties are payable upon transfer of ownership.

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

b) Procedure

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

2.3 DEVELOPMENT FACILITATION ACT, 1995 (ACT NO. 67 OF 1995)

a) The purpose of the Act is inter alia:

- To introduce extraordinary measures to facilitate and speed up the implementation of reconstruction and development programmes and projects in relation to land; and in so doing to lay down general principles governing land development throughout the Republic;
- To provide for nationally uniform procedures for the subdivision and development of land in urban and rural areas so as to promote the speedy provision and development of land for residential, small-scale farming, or other needs and uses; and
- To make provision in sections 30 and 33 for exemption of any or all the provisions in Chapter V (land development procedures) or any act/zoning scheme/regulation/by-law. The Act also provides for the suspension and removal of restrictive title conditions and servitudes.

To stipulate the general principles applicable to all land development and includes the following:

The promotion of sustainable development;

The safe utilisation of land by taking into consideration factors such as geological formations and hazardous undermined areas; and

The development should result in security of tenure.

b) Procedure

The local municipality must identify and, if necessary, acquire suitable land for settlement.

If funds or capacity is not available, it must be applied for from the district municipality or provincial/national government.

The local municipality must prepare and submit applications to the –

- Department of Environmental Affairs and Tourism as described in section 2.5 below; and
- Designated Officer in the provincial government for exemption or partial exemption of the provisions of Chapter V.

The Designated Officer will submit such application to the Tribunal who will decide on the proposed exemption.

If exemption is granted, the Tribunal will inform the Designated Officer who will then inform the municipality that exemption was granted.

If only partial exemption is granted, the municipality must prepare an application and submit it to the Designated Officer.

The municipality must give notice of the application.

The municipality must reply to the comments.

The Designated Officer will submit the application to the Tribunal.

The Tribunal will consider the application.

The Designated officer will inform the municipality of the decision.

The municipality must appoint a land surveyor to survey the area and to submit a General Plan to the Surveyor-General.

The municipality must appoint a conveyancer to register the township in the Deeds Office.

2.4 OTHER PROVINCIAL LEGISLATION

a) New planning and land use legislation has been enacted in three of the nine provinces whilst existing legislation still apply in the other provinces.

b) The new provincial acts include the:

KwaZulu Natal Planning and Development Act, 1998 (Act No. 5 of 1998);
Western Cape Planning and Development Act, 1999 (Act No. 7 of 1999);
Northern Cape Planning and Development Act, 1998 (Act No. 7 of 1998); and
The Proposed Gauteng Planning and Development Bill, 1999.

These acts replace a number of land use ordinances and also provide for certain exemptions that should be considered. They operate in parallel with the Development Facilitation Act, 1995 (Act No. 67 of 1995), as amended.

c) Procedure for exemption in terms of the “Transvaal” Town Planning and Townships Ordinance:

The municipality must apply to the Administrator (MEC) for exemption of the provisions of Chapter III of the Ordinance with regard to township establishment. If exemption is refused in terms of the Ordinance, exemption can be applied for in terms of section 30 of the Development Facilitation Act, 1995 (Act No. 67 of 1995), as amended.

d) Procedure for establishment of a temporary township in terms of the Free State Township Ordinance:

- The person who intends to establish such township must apply to the Administrator (MEC) for the establishment of such a township. The MEC, if in his/her opinion, determines that an urgent need exist for the establishment of such a township, may after consultation with the Township Board, approve such township and issue a permit which shall specify the conditions subject to which such approval is granted and the period for which it may continue to exist;
- The approved period may on application be extended, or the permit issued could be withdrawn with a three month notice; and
- The person responsible for such temporary township shall remove and/or demolish all buildings within such township.

e) Depending on the location and circumstances of the emergency housing situation, the municipality must consider the use of the above legislation and apply for the exemptions as provided for, to ensure the accelerated approval of applications.

2.5 ENVIRONMENTAL PLANNING

- a) The Environment Conservation Act, 1989 (Act No. 73 of 1989) (as amended by Act No. 79 of 1992) states that no land development, which has a detrimental effect on the environment, can take place without consideration by the Minister of Environmental Affairs and Tourism, or the Premier of the Province, of reports concerning the impact of the proposed activity on the environment. The Minister may grant exemption from compliance with any or all of the provisions of any regulation in the Act, or may refuse to do so.
- b) The steps that must be followed to obtain an exemption from the above provisions are described below:
- The applicant applies in writing to the Minister of Water and Environmental Affairs/Premier for exemption from the application of any provision of the regulations under the Act.
 - The Minister/Premier may grant exemption from compliance with any or all of the provisions of any regulation in the Act, or may refuse to do so. If he refuses, the procedures to be followed for reports concerning the impact of the proposed activity on the environment will apply.

The municipality applies in writing to the provincial Department of Environmental Affairs, for exemption. The application will be based on a plan of study for scoping and includes:

- A brief description of the activity and all tasks to be performed during scoping;
- A schedule indicating completion dates; and
- A description of the proposed method of identifying the environmental issues and alternatives.

After submission, the Department considers the plan of study for scoping and may require additional information from the applicant to accept the plan of study.

After accepting the plan of study, the applicant must submit a scoping report.

A scoping report must include:

- A brief description on the project;
- How the environment may be affected;
- Environmental issues and all alternatives identified; and

- An appendix containing a description of the public participation process followed, including a list of interested parties and their comments.

After receiving the scoping report, the Department may request the applicant to make amendments it requires to accept the scoping report.

The Department decides if the information in the scoping report is sufficient to consider the application without further investigation or that the information should be supplemented by an environmental impact Assessment (EIA).

If the information requires supplementation, the applicant must submit a plan of study for an EIA. This must include a description of the environmental issues identified during scoping that require further investigation, such as:

- A description of the feasible alternatives identified during scoping that may be further investigated;
- An indication of additional information required to determine the potential impacts of the proposed activity on the environment;
- A description of the proposed methods of identifying these impacts; and
- A description of the proposed method of assessing the significance of these impacts.

After receiving the plan of study for an EIA, the Department may request the applicant to make amendments it requires in order to accept the plan.

After the plan of study has been submitted, the applicant submits an EIA.

The scope and content of an EIA includes:

- A description of the activity in question and alternative activities;
- The identification of the physical environment which may be affected by the activity;
- An estimation of the nature and extent of the effect of the activity on the environment;
- The identification of the economic and social interests which may be affected by the activity;
- An estimation of the nature and extent of the effect of the activity on the social and economic interests;

- A description of the design or management principles proposed for the reduction of adverse environmental affects; and
- A concise summary of the finding of the report.

The Department considers the EIA and approves it, with or without conditions.

The Department issues a record of the decision to the applicant and, on request, to any other interested parties.

ANNEXURE D

GENERAL PROCEDURES ON LOCAL PROJECT CO-ORDINATION

HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS

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

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

A steering committee should be formed comprising representatives of the PD, the municipality, the affected families/persons and, where applicable, the community where the affected community will be resettled, if applicable, and any other body deemed necessary by the municipality. This committee will be responsible for communication, negotiation, and local decision-making pertaining to all aspects relating to the emergency housing project.

Monitoring measures should be implemented to ensure rapid reaction or response to any incident or occurrence that might have a negative influence on the project.

Formal document and communication management procedures should be put in place. All minutes of meetings, decisions taken, documents and reports submitted and agreements reached should be well recorded.

Local police services should also be involved at this stage, as well as the Department of Home Affairs in the event of possible illegal immigrants being involved or being part of the affected persons or families.

Step 2: Confirm the Project Scope

The steering committee should clearly define the reasons, conditions, objectives, scope, resources and any arrangements pertaining to the project and communicate them to all concerned.

The municipality should determine the willingness, in principle, of the persons/families to participate in and support the project and (where applicable) to relocate where applicable, and the reaction of the recipient community if applicable, to any planned relocation.

The reasons for any conflict pertaining to the project, if any, should clearly be determined by the municipality and steering committee, and a process of mediation and conflict resolution should be entered into where appropriate.

Step 3: Available options

The steering committee should ascertain and assess all available options relating to available land where applicable, municipal engineering services, and/or shelter, including the temporary or permanent nature thereof and the need for relocation.

The steering committee should ensure consensus about all the terms and conditions relating to the emergency housing situation (where applicable), possible relocation and resettlement between all parties concerned, including the terms of development of the land on which the affected persons/families/community will be assisted.

Step 4: Project Plan

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

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

Step 5: Project Beneficiaries

A register of all beneficiaries of the project should be compiled through conducting a survey and formal registration process including the following personal information:

- Personal details (identification number, names of all family members);
- Resident and Citizenship status;
- Photo of head of household;
- Inventory of personal assets;
- Photo of the existing house/structure;
- Floor plan of dwelling/house;
- Marking of each structure during the survey process;
- Super structure insurance, where applicable;

- Monthly household income;
- Previous benefit from government funding; and
- Preferably copies of documentation such as identification documents.

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

Step 6: Rental arrangements

- An agreement of occupancy or rental agreement should be entered into (where applicable), except in the case of damaged permanent formal housing;
- An occupant register and rental agreement must be established and maintained by the municipality concerned; and
- In the case of damaged permanent formal housing, an agreement with the owner of the house is required providing details on the repair or reconstruction assistance that will be provided.

Step 7: Relocation

In the event of relocation, this will include the physical relocation of the persons or families concerned. Depending on the nature of the emergency and need for relocation, the planning and implementation of all development processes can be streamlined and the physical relocation can be conducted simultaneously.

The physical relocation will include managing the processes involved in terms of the demolition of structures, taking care of the handling of personal materials and goods or belongings and the safekeeping thereof, arrangements pertaining to the transport of goods and the affected persons, erection or reconstruction of structures if applicable, the provision of temporary accommodation, and social support.

Policing, safety and security measures should be arranged.

Step 8: After care and communication

The municipality should introduce measures to ensure the consolidation of the overall development process, operation and maintenance, and the furthering of the process of achieving a permanent housing situation in due course, on or off site where applicable.

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

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