

POLICY 032/2015 RAADSBELEID

ONDERWERP: INTEGRATED PROCESS FOR THE PROVISION OF INFORMAL ERVEN AND SUBSIDISED HOUSING (BOTH GREEN AND BROWN FIELDS) POLICY

VERWYSING: 17.5.3

BESLUIT NR: 16.7/12/2015

DATUM: 3 Desember 2015

SECTION 1

POLICY OBJECTIVES

The overall objective of this policy is to ensure that an integrated process for the provision of informal erven and subsidised housing (both green and brown fields) is realised. The intention is to provide integrated human settlements that will contribute to more compact neighbourhoods by providing a range of housing types to qualifying beneficiaries.

The policy intends to ensure that the identification, allocation of erven to citizens foster(s) integrated Human Settlements. Given the need to establish or have integrated human settlements, this policy must ensure the following:

1. The Housing/Human settlements unit will be the institutional entry point for coordinating integrated human settlements.
2. MOUs are entered into with relevant institutions, internal and external stakeholder relations are fostered so as to ensure effective provision and maintenance of basic service which must be an integral part of Integrated Human settlements (both in green fields and brown fields).
3. To develop proper waiting lists per ward, housing need register that will be speaking to each other, properly captured, filed and retrieved for reference purposes, enquiries and/or audit purposes.
4. There must pre, during and post processes that need to be complied with or adhered to in the allocation of erven, building and allocation of BNG and other housing categories.
5. The Housing unit should be seen to be creating better quality - living integrated human settlements instead of shelters.
6. Allocation of erven for informal integrated human settlement should be presented at the RAK (Raads-/Amptenarekomitee) as a recommendation and final decision to be taken by Council. The allocation should be done on a first come first basis, as per waiting list.
7. Complaints from clients must be registered and handled administratively up to the Municipal Manager's office with specific turnaround times.
8. All systems must be in place, resources, for capturing of applications, housing needs register, and even the Housing Subsidy System. Officials must be trained and authorised to work, view the system and/or the retrieve the necessary information.

9. Ensure that consumer education is done on a monthly basis as per schedule that is determined by the Housing unit and given through to Ward Councillor and Ward Committees via the Speaker's office.
10. Policy review must be a possibility, as per National, Provincial or Local Directive. As and when such a call is made so shall alignment be done accordingly.

SECTION 2

INTRODUCTION

The Housing unit, in terms of allocation of informal erven, must have processes that would be reflective of the demographics within the //Khara Hais area. In this new dispensation, allocation of erven and building of subsidised houses must ensure social integration. The complex challenges we face as a result of ever-increasing population mean, that we constantly have to reassess our approach in order to deliver effectively on our mandate, namely the creation of integrated human settlements.

Furthermore, is the necessity of incremental upgrade of informal settlements. There is a need for a paradigm shift in the way that we are conducting our business, hence the name change of the unit from Housing to Human Settlement is ideal, in line with our Provincial and National counterparts. Our ultimate goal is to allocate erven in relation with COGHSTA and other stakeholders ensure the building of houses to all needy inhabitants who qualify according to the allocation criteria/policy approved by Council. Our current allocation criteria/policy must be reviewed annually taking into consideration the dynamic social circumstances of our communities focusing in particular the qualifying approved applicants. It must be in aligned from time to time with National Directives that may come from the Department of Human Settlement or Provincial counter parts. We move from that premise as the Housing, no unfair discrimination in the allocation of erven and BNG houses but based on the criteria/policy as approved by Council. Therefore in the allocation of erven and subsidised housing, the determination shall strictly be within the National, Provincial and local legislative context which governs the allocation of erven and subsidised houses. It therefore becomes imperative to all of us to respect the rule of law which governs the allocation of erven and BNG housing (both in green fields and brown fields).

LEGAL FRAMEWORK

Legislation and policy framework.

Although not exhaustive, the following legislation and policies provide the appropriate legislative framework relevant to housing, within the //Khara Hais Housing Policy:

- ❖ The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) particular sections 24 and 26.
- ❖ The Housing Act, 1997 (Act 197 of 1997).
- ❖ The Prevention of Illegal Eviction from an Unlawful Occupation of Land, 1998 (Act 19 of 1998).
- ❖ The Housing Consumer Protection Measures, 1998 (Act 95 of 1998).
- ❖ The Rental Housing, 1999 (Act 50 of 1999).
- ❖ The Home Loan and Mortgage Disclosure, 2000 (Act 63 of 2000).
- ❖ Development Facilitation, 1991(Act 67 of 1995).
- ❖ Less Formal Township Establishment, 1991 (Act 113 of 1991).
- ❖ Municipal System, 2000 (Act 32 of 2000).
- ❖ The Architectural Profession, 2000 (Act 44 of 2000).

- ❖ Architects Registration Act of 1996.
- ❖ National Building Regulations and Building Standards, 1977 (Act 103 of 1977).
- ❖ National Building Regulations and Building Standards Amendment, 1985 (Act 36 of 1985).
- ❖ National Building Regulations and Building Standards Amendment, 1989 (Act 62 of 1989).
- ❖ National Building Regulations and Building Standards Amendment, 1995 (Act 49 of 1995).

PROCESSES TO BE UNDERTAKEN IN ENSURING EFFECTIVE AND EFFICIENT HUMAN INTEGRATED SETTLEMENTS (BOTH IN GREEN FIELD AND BROWN FIELDS)

1. Land identification & Acquisition

- 1.1 Suitable habitable land needs to be identified, if it is privately owned and there's a need to develop residential sites, negotiations of buying should take place and if the land is Council's property, in both instances the necessary assessments must be done. After proper assessments the necessary processes need to take place up to a point where it is declared fit for human settlement.
- 1.2 Necessary procedures also constitute a formal town planning process, which includes steps such as an Environmental Impact Assessment (EIA), design of the layout of proposed erven and land surveying.
- 1.3 Housing will then together with town planning, go and demarcate for residential purposes.

2. Application capturing, waiting list/housing need register

- 2.1 Application for erven can be done by persons over the age of 23 and allocation.
- 2.2 Application for erven are done manually and then captured electronically on the system, at the same time the Housing needs register is also captured electronically. (This must be done whether there are erven available or not.). Both the waiting lists and Housing needs register must be presented to Council on a monthly basis and to COGHSTA as an indication of the housing need within the //Khara Hais jurisdiction.
- 2.3 The waiting list/housing needs register must be captured on the basis of first come first basis and allocation should be done accordingly but also taking into consideration cases of preference/categories in terms of percentages captured in this policy.

3. BNG Housing application and allocation

- 3.1 Business plans of all areas within //Khara Hais must be compiled and submitted to COGHSTA.
- 3.2 When allocation is done by COGHSTA as to the number of BNG allocations to the //Khara Hais Municipality, then it is referred to Council for determination of further allocations to affected areas within the //Khara Hais jurisdiction.
- 3.3 Beneficiaries in the respective affected areas must be identified according to the available waiting list and percentage set out, application form be filled out, captured here, send to COGHSTA for their capturing, verification and approval. Housing shall keep copies of all applications to be send to COGHSTA, in their strong room/archive for record purposes.

4. Criteria for Erven application

4.1 The following procedure needs to apply when applying for erven and BNG housing:

4.1.1 The applicant must be a South African citizen.

4.1.2 The Applicant must be 23 years old to be considered for an erven.

4.1.3 For BNG housing subsidy a quota system would apply:

40% to Adults, 25% Youth, 35% Differently abled persons who qualify (meritoriously), Elderly (Pensioners) (meritoriously), Child headed households (meritoriously), Abused women (meritoriously).

4.1.4 In both instances applicants may or may not have children.

4.2 With application of erven the following documents must be attached:

4.2.1 Proof of latest pay slip, South African identity documents, Marriage certificate (married couples), Unemployment affidavit, Birth certificates of children (where applicable), Proof of divorce letter in the instance of divorced applicants.

4.3 Preference/special attention to be given to the following categories:

4.3.1 Differently abled persons who qualify (meritoriously), Elderly (Pensioners) (meritoriously), Child headed households (meritoriously), Abused women (meritoriously)

5. Period to set up a structure when occupational right has been issued

5.1 It is incumbent on the occupant who has obtained occupational right(s) to see to it that his/her site is not occupied by any other illegal occupant.

5.2 The occupant with occupational right(s) must occupy the site issued within **7 days** but has a period of **90 days** to finally have a structure on the erven issued.

5.3 When a person had been allocated an erven must put on a structure within **7 days** of allocation and must stay in the place. Verification whether the person(s) actual stays on the allocated site with a structure will happen within **90 days** of allocation. 14 Days notice

5.4 Should a person be unable to stay in the structure personally due to serious medical reason(s), or any other critical matter and would like to have a next of kin stay in the place, they must inform the Municipality in writing and such writing will be put on his/her housing file. (Meritoriously and will be verified.)

5.5 No Council erven shall be put structures on and be rented out, it is a an offence, which would also mean immediate repossession of the erven and it will then be re-issued to the next person on the waiting list.

5.6 Should any applicant who has been given occupational rights not put a structure and not occupy his/her place within **7 days**, after verification within the **90 days** will the allocated erven be repossessed. 14 days notice must be given to the applicant that the plot are to be reposed due to failure to erect a structure on the plot.

5.7 All repossessed sites would then be issued to the next person as put on the waiting list, then the repossessed site and the re-issue thereof would be presented to Council for discussion/note taking and/or endorsement.

- 5.8 Erven repossessed must be re-allocated within **2 days** to the next person on the waiting list so as to avoid illegal squatting.
- 5.9 In a brown field situation, occupants must inform the Municipality in writing if they would be temporarily not occupy their places, that they would be putting in somebody for some time, but the rightful allocated legal occupant would still be liable for services to be paid.
- 5.10 In the instance when a brown field case is unoccupied for more than 3 months without the Housing unit being informed, neighbours even testifying that the place the structure was just put and no person ever occupied the informal house, the matter would be investigated and a recommendation made to Council for repossession or reinstation.
- 5.11 Voluntary giving back or an erven or BNG house must be done in writing by the person who so wish to do that. It would not just be welcomed, a thorough engagement would be done with the person who would wish to do that with the intention to discourage the person to do that. When the incumbent insists we would then refer the matter to the Council for final consideration and inform the incumbent in writing.
- 5.12 In the instance where a person would voluntarily wish to surrender his/her plot or BNG house, he/she would not be prescriptive as to who should now get the plot/BNG house.
- 5.13 Particularly where children are involved, who might be affected by such a decision, the matter must be referred to Council for finality on the matter especially where a BNG house is involved.
- 5.14 In any approved instance of voluntary giving back of an erf the waiting list or extreme emergency case would be recommended to the Director, Municipal Manager for decision making and it be reported accordingly to Council.

6. Complaints procedure

- 6.1 We will always try to deliver good quality service, but if a client is not happy with our response, the service we have provided, or our efforts to resolve a client's query, they can log a complaint with us.
- 6.2 A client may feel that we did not do what we promised to, or maybe a client is unhappy with the way they were treated.
- 6.3 Examples of complaints are:
- 6.3.1 The level of service we provide, the length of time taken to provide the service or information needed by the client, our failure to keep you informed of a decision we made, the attitude or behaviour of our staff or contractors, any kind of unfair discrimination.
- 6.4 Who can complain?
- 6.4.1 Anyone who make use of our services in terms of subeconomic erven and BNG housing.

6.5 How does a client complain?

6.5.1 By filling in a complaints form obtained from the Housing unit or retrieved from the Municipal website which is www.kharahais.

6.5.2 By telephone: 054-3387181/7077.

6.5.3 We will acknowledge receipt of complaint within **3 days** of receipt of a complaint.

6.5.4 We aim to respond to all formal complaints within **14 working days**. If we would need more time to carry out an investigation, or to gather more information we will inform the client accordingly.

6.6 When is a complaint closed?

6.6.1 After the complaint has been thoroughly investigated, recommended to Council and decided/concluded by Council.

6.6.2 We will always explain why a decision was made to deal with your complaint differently and where possible, provide an alternative way to resolve your problem.

6.6.3 Clients may let us know or come in if they want to be assisted with making a complaint.

6.6.4 If the client's complaint is about a services failure more than a year ago, we will not be able to investigate it.

7. Consumer education

7.1 It is a way educating and empowering the consumer about the rights and responsibilities pertaining to allocated erven & BNG housing. It's initially intended for BNG housing beneficiaries but need to be during the allocation of erven and when the house is constructed and thereafter.

7.2 Beneficiaries must be educated and empowered on erven as Council property and BNG housing that is given for ownership.

7.3 The consumer education will be done weekly at the affected areas.

8. Recourse for dissatisfied client

8.1 Only clients who have exhausted our internal complaints procedure and indicated non-satisfaction, may seek recourse to the Director and/or the Municipal Manager before the matter can even be presented to Council for finality.

8.2 Considerations from the Director and/or Municipal Manager will be communicated to the Housing unit.

8.3 A recourse form is available from the Housing unit and may be filled in on the spot with the assistance of the relevant officials.

8.4 The recourse form must reach the Director's and/or Municipal Manager's office the same day the recourse application is done by the client.

8.5 On reply by the Director and/or Municipal Manager the client must then be informed in writing within **5 working days**.

9. Different types of NHBRC approved materials

- 9.1 For subeconomic housing different types of NHBRC building material for BNG housing may be considered. It must, however, still comply to CSIR, SANS and other applicable building standards and prescriptions.
- 9.2 Prescriptions on energy efficiency must also be adhered to.
- 9.3 All contractors and subcontractors must be registered with the NHBRC.
- 9.4 Before the construction of BNG houses with alternative NHBRC materials, the Municipality must avail a subeconomic site where a show house can be built for the community's consideration.
- 9.5 Housing unit in conjunction with the Building Control Section as well as COGHSTA, via the necessary protocol, may suggest one of the NHBRC approved housing materials to be used for BNG housing, especially if the community is in favour of such an alternative. The view is that when allocations are given, houses must be built within contract timeframes without compromising quality. Therefor other forms of NHBRC approved materials may also be considered to achieve this goal.

10. Policy Review

- 10.1 Human settlements by its very nature is a dynamic process, it changes as times go on and has to be adapted accordingly.
- 10.2 Policy review has to speak to the dynamism that happens with human beings as they need to settle integratedly.
- 10.3 This policy must be reviewed annually so as to meet the developmental needs of human settlements."