

**EMNAMBITHI/LADYSMITH MUNICIPALITY  
EMERGENCY HOUSING ASSISTANCE POLICY**

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# **POLICY GUIDELINES ON HOUSING ASSISTANCE IN EMERGENCY HOUSING SITUATIONS**

## **1. TITLE OF THIS POLICY**

The policy shall be referred to, as “EMNAMBITHI/LADYSMITH MUNICIPALITY policy guidelines on housing assistance in emergency housing situations”.

## **2. POLICY BACKGROUND**

The provisions of the constitution of the Republic of South Africa mandates the state to ensure that it takes reasonable legislative and other measures in ensuring that everyone enjoys a right to adequate housing as well as social security, and appropriate assistance.

This policy is in line with the national policy on housing assistance in emergency housing situations that seeks to respond to emergency situations by providing temporary assistance.

The intention of this policy is to respond to EMNAMBITHI/LADYSMITH MUNICIPALITY’S emergency housing needs as posed by unforeseen circumstances where, people find themselves in an emergency housing situation.

In November 2005, the NDoH (National Department of Housing) approved a policy regarding fast tracking the housing solution for people living in areas of stress by using the emergency Housing circumstances Programme.

Also in the previous years there have been unforeseen circumstances where people were left destitute after their homes were destroyed by hail storms and tornado in various areas within the province.

## **3. PURPOSE**

The policy seek to lay grounds for the implementation of national policy on housing assistance in emergency housing situations as the municipality we have to develop our own tailor made policy that responds directly to our immediate environment and challenges of our largely rural areas.

Clarify processes, procedures and ensure that all the role players understand the part they have to play for the successful implementation of the programmes under this policy.

## **4 OBJECTIVE**

The main objective of this policy is to facilitate programmes that will ensure provision of temporary housing relief to people in urban and rural areas within the EMNAMBITHI/LADYSMITH MUNICIPALITY, who find themselves in emergency situations, such as when:

- Their existing shelters have been destroyed or damaged.
- Their prevailing situation poses an immediate threat to their lives, health and safety.

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- They have been evicted or face the threat of imminent eviction.

## **5. LEGISLATIVE FRAMEWORK**

- 5.1. As per section 26 of the constitution of the Republic of South Africa, Act 108 of 1996 “Everyone has the right to have adequate housing, and the state must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right”.
- 5.2. Section 27 (c) of chapter two of the constitution provides that “everyone has the right to- social security, including, if they are unable to support themselves and their dependants, appropriate social assistance”.
- 5.3. The policy is instituted in terms of section 3 (4) (g) of the Housing Act 107 of 1997, facilitating temporary relief assistance.
- 5.4. Disaster Management Act, 2002 (Act No. 57 of 2002).
- 5.5. Preferential Policy Framework Act, 2000 (Act No. 5 of 2000).
- 5.6. National Housing Code
- 5.7. Interim Protection of Land Rights Act, 1996 (Act No. 31 of 1996).
- 5.8. Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993).
- 5.9. Expropriation Act, 1975 (Act No. 63 of 1975).

## **6. PRINCIPLES OF THE PROGRAMME**

The following principles are applicable to the Programme:

- Assistance to be provided under this Programme will only constitute the provision of temporary aid and be of a temporary nature. The one exception would be assistance with the repair or reconstruction of damage to permanent formal housing not covered by superstructure insurance.
- Assistance will be limited to absolute essentials. It will not seek to provide housing or engineering services commensurate with those that might have been previously enjoyed.
- The national norms and standards contained in Annexure A to Chapter 3 of Part 2 of the National Housing Code shall not apply to this Programme with regard to temporary aid.
- 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. For example, the acquisition of land which is later to be used for permanent settlement and/or any engineering services installed, that will also service permanent townships.
- This Programme does not replace any other programmes of the National or Provincial Department of Housing or any other National Department. With effect from the date of implementation of the Programme contained in this policy, it will take preference over any existing municipal programmes relating to emergency housing assistance. Such programmes must be brought into conformity with this Programme.

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- This Programme serves to augment and supplement existing programmes: for instance, in the case of an officially declared disaster, interaction will occur with the disaster management structure in order to augment and supplement situations of exceptional housing emergency, ***this will in no way replace any of the functions performed by the disaster management unit***, e.g., the provision of tents where necessary or the supply of water by means of tankers, and being the first unit to respond to a disaster.
- This Programme may not be employed to substitute normal planning and projects, with the subsequent so called “queue jumping” of any priority planning, approved and communicated projects, relating to the provision of housing and under no circumstances may the application of this Programme be justified to fund normal housing development projects, as provided for in the other chapters of the National Housing Code.
- Assistance under this Programme should wherever possible represent an initial phase towards a permanent housing solution.
- Where it is not possible to provide assistance at a place and in a manner that represents the initial phase towards a permanent housing solution, 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 Integrated Development Plans (IDP) and development priorities.
- Where the resettlement of families is required, the alternative location where feasible and practicable should be as close as possible to the existing one and be undertaken within the framework of the approved municipal Integrated Development Plan.
- 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.
- Procurement procedures must be fair, equitable and transparent; for the acquisition of housing goods and services; and the guidelines of the Preferential Policy Framework Act, 2000 (Act No. 5 of 2000), must be followed. A maximum amount of R5000-00 be determined for the purchase of material or an amount equal to the material required.
- The owner of the damaged property must lodge the application by way of an affidavit accompanied by a certified copy of his or identity document s/he must give the said documents to the Councillor who will submit to the EMGT who will then hand it over to the Assessment Committee for submission to the SSPC and MCM for approval.
- A committee (assessment committee), comprising of the EMGT, MES, MPS or their representative be established to assess the damage and make representation to the SSPC and MCM for approval to repair the house.
- Municipal officials must inspect the progress and provide guidance to the reparation of the house(s) to ensure that the material is used to repair the damaged house(s).
- A report be submitted to EXCO on a monthly basis to inform them of the progress and expenditure.
- Pending national legislation, this municipality must employ the current legislation authorising the waiver of tenders and the introduction of replacement procedures appropriate for use in emergency housing situations.
- Beneficiaries of the Programme can include persons that do not comply with the requirements of Part 3, Chapter 2 of the National Housing Code.

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- Situations which may qualify for consideration of assistance under this Programme should be given expeditious treatment.

## **7. APPLICATION OF THE PROGRAMME**

### **7.1. 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 Municipal Manager, on application by the affected community member, through the Councillor, deems that persons affected, by the following owing to situations beyond their control:

- 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;
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- 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;
- 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;
- 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;
- 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;
- whose homes are demolished or threatened with imminent demolition, or situations where proactive steps ought to be taken to forestall such consequences; or
- 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;
- Live in conditions that pose immediate threats to life, health and safety and require emergency assistance.
- 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.

## **8. ELIGIBILITY**

Only one criterion needs to be fulfilled in order for affected persons to qualify for assistance under this Programme.

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.

Only persons who earn less than R3 500-00 per month will qualify for assistance and people must furnish proof that they make or earn less than the aforesaid

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amount per month by providing one month old original salary advice or a current bank account statement reflecting that s/he is the holder of the said account; if the said person is unemployed must provide proof of unemployment (unemployment certificate).

Consequently 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 meet the standard qualification criteria, contained in Chapter 2 of this part of the National Housing Code and with due regard to priority planning and allocations.

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Figure 1. Demonstrates responsibilities of Role Players within the programme

