

POLICY 09/2021 RAADSBELEID

SUBJECT/ONDERWERP: **HOUSING POLICY**

REFERENCE/VERWYSING: **17.5.R**

RESOLUTION NR/BESLUIT NO: **16.9/06/2021 (SCM)**

DATE/DATUM: **30 June 2021**

1. POLICY OBJECTIVES

The policy intends to ensure that the identification and allocation of Sub-economical sites to foster citizen's foster needs for a fair and integrated Human Settlement approach.

Given the need to establish or have an integrated Human Settlement within the Dawid Kruiper Municipal jurisdiction, this policy must ensure the following:

- The Housing/Human Settlement unit will be the entry point for coordinating integrated human settlements.
- MOUs are entered into with relevant institutions and, internal and external stakeholder relations are fostered to ensure effective provision and maintenance of basic services which must form an integral part of Integrated Human Settlements (both in green fields and brown fields).

The Housing Unit, in terms of allocation of Sub-economical erven, must have processes that would be reflective of the demographics within the Dawid Kruiper Municipal 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 to create Integrated Human Settlements.

Our ultimate goal is to allocate Sub-Economical sites in conjunction with National Guidelines to ensure that all beneficiaries has access to affordable housing. The National Housing Code was introduced by the Department of Human Settlement in 2009 and this Code sets out the procedures and guidelines that needs to be followed to address the housing need of communities.

The overall objective of this policy is to ensure a coordinated and integrated process for the provision of sub-economic erven and subsidised housing.

2. DEFINITIONS

In this policy the following words shall have the meanings assigned as follows:

“Allocation Committee” means the Committee to be established in terms of the Strategy for the Allocation of Housing Opportunities through the National Housing Programmes;

“Brownfields” means land is a site that has been previously built on, which is why this is usually located in an urban area;

“COGHSTA” means – The Department of Cooperative Governance, Human Settlement and Tradition Affairs;

“Council” means the Council duly elected in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“FLISP” means the Finance Linked Individual Subsidy Program is a subsidy established by government which aims to provide the poor and the low to middle income households with access to adequate housing.

“Greenfields” means a site that hasn't been built on – usually in a rural or countryside area;

“Housing Needs Register/Demand Database” means The National Housing Needs Register (NHNR) is a central database that offers households the opportunity to register their need for adequate shelter by providing information about their current living conditions, household composition & to indicate the type of housing assistance they require from government.

“HSS” means the Housing Subsidy System based on the Housing Act, the Housing Code & the Division of Revenue Act (DORA). The Housing Subsidy System (**HSS**) is a programme management system that enables the monitoring of compliance;

“IDP” means the Integrated Development Plan Dawid Kruiper Municipality as adopted and amended from time to time by Council;

“IRDP” means the integrated residential Development Programme replaced the project linked Subsidy Programme. The programme provides for planning and development of integrated housing projects;

“National Housing Code, 2009” means the Program introduced by the Department of Human Settlements to facilitate the development of integrated human settlements in well-located areas that provide convenient access to urban amenities, including places of employment;

“NHNR” means the National Housing Needs Register;

“RAK” means the Committee established by Council to make investigate housing related matters and to recommendations to Council on the way forward;

“*SPLUMA*” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“*SDF*” means the Spatial Development Framework of Dawid Kruiper Municipality as adopted and amended from time to time by Council;

3. LEGAL FRAMEWORK

Although not exhaustive, the following legislation provide the appropriate legislative framework relevant to housing, within the Dawid Kruiper Municipal area:

- The Constitution of the Republic of South Africa, 1996;
- The Housing Act, 1997 (Act 107 of 1997);
- The Social Housing Act, 2008 (Act 16 of 2008)
- The Housing Consumer Protection Measures, 1998 (Act 95 of 1998);
- The Rental Housing, 1999 (Act 50 of 1999);
- Sectional Titles Scheme Management Act, 2011 (Act 8 of 2011);
- Community Scheme Ombud Service Act, 2011 (Act 9 of 2011);
- Home Loan & Mortgage Disclosure Act; 2000 (Act 63 of 2000)
- The Spatial Planning and Land Use Management Act, (Act 16 of 2013) (*SPLUMA*);
- Local Government Act: Municipal Systems Act, 2000 (Act 32 of 2000);
- Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998); and
- National Building Regulations and Building Standards, 1977 (Act 103 of 1977).

4. STRATEGY FOR ENSURING SUSTAINABLE AND EFFECTIVE SETTLEMENTS

In order to determine the need for Sub-Economic sites or specific type of housing projects, the Housing Department of Dawid Kruiper Municipality must conduct survey in conjunction with the NHNR database.

Based on the above identified needs, applications and business plans must be submitted to COGHSTA and the relevant State Departments for the approval and funding of township establishment processes and housing allocations.

The Housing Department of Dawid Kruiper Municipality is responsible for receiving housing applications and drawing up of business plans in order to obtain funding for all Sub-Economic Housing matters.

This will include the compiling and updating of all Project Pipeline and Project Readiness Matrix POE needed by COGHSTA in order to obtain Allocation Funding from the National Department.

4.1 Provision of formally planned and surveyed erven:

Provision should be made for the planning and surveying of Sub-economic erven in accordance with the provisions of the approved Spatial Development Framework (*SDF*) and Integrated Development Plan (*IDP*).

The above process requires a formal town planning process, and will be coordinated by the Directorate Development & Planning.

4.2 Provision of Infrastructure and Services:

The Directorate Civil Engineering of Dawid Kruiper Municipality is responsible for the compiling and submission of business plans and applications for the funding of infrastructure services for the above mentioned Sub-Economical erven through programs such as the Upgrading of Informal Settlements Programme etc.

This must be done simultaneously with the township establishment process to ensure the community receives formal infrastructure and services as soon as possible.

4.3 Coordination of the allocation of Sub-economical erven:

In order to ensure a coordinated allocation, process the following steps must be undertaken:

4.3.1 Based on the needs database and the allocation criteria the Housing department will follow the formal process in order to provide an approved beneficiary list for the specific project at least 60 days prior to the commencing of the surveying of the sites.

4.3.2 After the Surveyor General has approved the proposed township development the Dawid Kruiper Housing Department will coordinate with the Town Planning Department to ensure that the occupation of the erven takes place simultaneously with the physical pegging of the erven. This will ensure that surveyed sites are occupied immediately by the approved beneficiaries.

4.3.3 The beneficiaries will be informed by the Housing department at least 30 days prior to surveying of the sites to be ready to occupy their allocated sites

4.3.4 The beneficiary must construct a structure within 30 days of the allocated erf, otherwise the erf will be allocated to a new beneficiary.

4.3.5 The Housing Department will provide the Beneficiary with a Right to Occupy Agreement and it must be signed before occupation can take place.

4.3.6 The Housing Department will, after signing of the Right to Occupy agreement by the beneficiary, provide the Legal Department with the agreement, for signing by the Municipal Manager.

4.3.7 The Housing Department will also provide the Budget & Treasury Office with the following information of the beneficiary:

4.3.7.1 Full names of the beneficiary;

4.3.7.2 The erf allocated to the beneficiary;

4.3.7.3 Date of allocation to the beneficiary;

4.3.7.4 The services available to the beneficiary;

4.3.7.5 Copy of the ID-document of the beneficiary;

4.3.7.6 Address of the beneficiary for billing purposes; and

4.3.7.7 Telephone number and e-mail address, if available, of the beneficiary.

5. CRITERIA TO QUALIFY FOR A SUB-ECONOMICAL ERVEN

5.1 The applicant must:

- 5.1.1 Be at least 21 years old; taking into consideration younger applicants on a merit basis.
- 5.1.2 Lawfully reside in South Africa (i.e. citizen of the Republic of South Africa or in possession of a permanent residence permit).
- 5.1.3 Be legally competent to sign a contract.
- 5.1.4 Neither the applicant nor his or her spouse has previously benefited from government housing assistance and had previously been provided with a Sub-economic erf by Council.
- 5.1.5 Persons must be married or habitually cohabit;
- 5.1.6 Single persons with/without financial dependants;
- 5.1.7 Single elderly persons, disabled persons and/or military veterans without financial dependants may be assisted.
- 5.1.8 Persons who have benefited from the Land Restitution Programme and who satisfy all other relevant criteria may also be assisted
- 5.1.9 Person may not have owned or occupied any other House or erven in South Africa.

5.2 Criteria (In order of importance) to be used in allocating erven:

- 5.2.1 Persons subjected to domestic violence and where a court order has been served. (additional proof needed).
- 5.2.2 Elderly couples with or without dependants.
- 5.2.3 Married couples / divorcees / widows / widowers with dependants.
- 5.2.4 Handicapped persons with or without dependants.
- 5.2.5 Homeless persons.
- 5.2.6 Unmarried couples living together with dependants.
- 5.2.7 Persons without any dependants who is destitute/homeless.

5.3 The above criteria will be used in evaluating applications for sub-economic erven and will be taken into consideration. Applications for informal erven must also be tabled by the Housing Department to the relevant Ward Councillor and Ward Committee for their input.

5.4 Procedure for the application for a Sub-Economic Erven

- 5.4.1 Applicants must complete the prescribed application form when applying for a Sub-Economic erf at the Housing Department.
- 5.4.2 The Housing Department can assist applicants with the completion of the forms and the completed form must be checked by an official of the Housing Department to ensure that all the information required is provided.
- 5.4.3 This HCE form must be signed and filed a swell.
- 5.4.4 The official is responsible for capturing the application on the applicable register and system.
- 5.4.5 All applications together with supporting documentation must be scanned and saved electronically. (E.g. ID, birth certificates, marriage certificate, proof

of income, Welfare department recommendations, Court legal decisions, documentation etc.)

- 5.4.6 Applicants must be issued, in writing, a reference number on the date of capturing the application by the responsible official. The reference number of the applicant must be linked with the Housing Registry for record keeping purposes.
 - 5.4.7 The Housing Department must upload/capture the NHNR form on the NHNR as soon as possible, preferably capturing should be done in the presence of the applicant.
 - 5.4.8 After the NHNR form has been captured all the documents must be filed at the Registry Section.
 - 5.4.9 The Housing Officials assisting applicants must conduct a Housing Consumer Education session with the applicant during which the procedures, guidelines, processes and policies are explained to the applicant.
 - 5.4.10 The Housing Department must submit on a monthly basis all applications to the RAK for information.
- 5.5 The Council reserve the right to approve the allocation of Sub-Economical sites to beneficiaries after the above criteria has been met and tabled to the RAK which will make recommendations Council for final approval.

6. CONDITION OF THE RIGHT TO OCCUPY

The right to occupy a sub-economic erf, will be subject to the following conditions:

- 6.1... Only the approved beneficiary may erect a structure on the erf.
- 6.2... The Structure must comply with the National Building Standards.
- 6.3... The beneficiary shall not allow any other person to erect and occupy a structure on the erf.
- 6.4... The structure, erected on the erf, may only be used for housing purposes by the beneficiary and his/her immediate dependants as indicated in the Right to Occupy agreement. No other persons will be allowed to reside in the structure or occupy the erf, unless the Council has authorised the use of the erf by other persons by means of a Council resolution. The Housing Department will investigate the matter and table the necessary item to Council. The Housing Department will provide the Beneficiary with a written approval, after the Council resolution has been obtained.
- 6.5... The allocated erf shall not be left unoccupied, unless Council has approved such vacancy by means of a Council Resolution. A beneficiary may apply, in writing, to leave the erf unoccupied. The Housing Department will investigate the matter and table the necessary item to Council, after The Housing Department will provide the Beneficiary with a written approval, after the Council resolution has been obtained.
- 6.6... No permanent structure shall be erected on the erf, unless the beneficiary has purchased the erf in terms of the Property Disposal Policy of Council.
- 6.7 ... Occupation rights is not transferable, without the express consent of Council. Council will consider the transfer of the right to occupy, in the following circumstances:
 - 6.7.1..... To the dependants, if they appear as dependants on the original Right to Occupy Agreement;
 - 6.7.2..... The dependants occupied the erf with the beneficiary;

6.7.3..... The dependant is a minor and occupy the erf with a guardian and only if the guardian is willing to sign the Right to Occupy Agreement on behalf of the dependant. When the minor comes of age, the Right to Occupy will be transferred to the minor.

7. VIOLATION OF OCCUPATION RIGHTS

If the Housing Department is made aware of any violation of occupancy rights by a beneficiary the following procedures must be adhered:

- 7.1 All violations of occupation rights must be formally registered, in writing, by the Housing Department. The person that registers the complaint must sign the complaint. An investigator from the Housing Department will, after capturing of the complaint investigate the violation.
- 7.2 A register for the registration of occupation right violations shall be kept by the Housing Department and all violations must be addressed within one month of being captured.
- 7.3 The Investigator will then inform the relevant Ward Councillor of the complaint. The relevant Ward Councillor may submit a recommendation letter to the Housing Department, which must be included in the formal report
- 7.4 The responsible investigator must table a detailed written report to the Head of the Housing Department.
- 7.5 If it is found that a violation of occupancy rights occurred the Head of the Housing Department must ensure that a written notice of the violation of the occupancy rights must be served by the responsible investigator on the beneficiary/occupant of the erf.
- 7.6 The investigator must follow-up on the notice server on the beneficiary/occupant of the erf.
- 7.7 If the violation is not rectified within 14 (fourteen) days of the serving of the notice, the investigator must report the matter in writing to the Head of the Housing Department. The Head of the Housing Department must ensure that the matter is tabled to Council for the cancellation of the occupancy right.
- 7.8 When Council has approved the cancellation of the right to occupy, the Housing Department will serve a notice of termination on the beneficiary/occupant of the erf.
- 7.9 If the beneficiary/occupant of the erf does not vacate the property within seven (7) after receiving notice of the notice of termination, the Head of the Housing Department must inform the Law Enforcement Section of the illegal occupation of the erf. The Housing Department must also provide the Legal Department with all the documentation regarding the matter.
- 7.10 The Law Enforcement Section must then serve a notice of illegal occupation of Municipal Property on the occupant and also open a case of illegal occupation of municipal property with the South African Police Service.
- 7.11 If the beneficiary/occupant of the erf does not vacate the property 48 (forty-eight) hours after receiving notice of the illegal occupation of municipal property, the Head of the Law Enforcement Section must report the matter to the Legal Department.
- 7.12 The Legal Department will then, in conjunction with the Municipal Manager, procure the services of an attorney to obtain the necessary eviction order.

8. TOP STRUCTURES – HOUSING PROJECTS

- 8.1 The Housing of Dawid Kruiper Municipality is responsible to ensure that business plans are submitted for all project linked government subsidy housing schemes in line with the Project Pipeline. Upon approval of a housing allocation, the Housing Department will table an item to Council in order to inform Council and the Allocation Committee of the project.
- 8.2 The Housing Department will then coordinate the identification of beneficiaries through the Allocation Committee once the Project has been formally registered and proof of registration has been submitted by COGHSTA to Council in order to proceed with the HSS beneficiary process in accordance with the criteria applicable as set out by the National Housing Code. This information submitted from the Housing Department to COGHSTA should not be older than 3 months for compliance purposes
- 8.3 The Housing section will coordinate the updating of the NHNR information and the compilation of Subsidy applications through means of Fieldworkers working on a month to month bases.
- 8.4 National Housing Need Register fieldworkers will obtain all relevant information by means of a door-to-door process and will be remunerated through the Accreditation Grant funded by COGHSTA and the HSS remuneration rate for HSS subsidy forms will apply subjected to COGHSTA rates, NHNR forms will be remunerated at the rate of Council's approval rate.
- 8.5 Documentation gathered specifically for Subsidy applications should not be older than 3 months after the Project has been registered, as required by the HSS system.
- 8.6 Only beneficiaries on sites who's not in violation with council's occupational right agreement will be considered for top structures.
- 8.7 Policy prior to the HSS beneficiary process are uploaded on the site for verification.
- 8.8 During the HSS process the Housing Department, as part of the Housing Project obtain the services of a conveyance attorney in terms of the Municipality's Supply Chain Management Policy.
- 8.9 Proof of information for NHNR and HSS must be filled and submitted to Registry Section for record keeping. Information must be captured by the Housing Department electronically before the original documents are submitted to the Registry Section.

NOTE: COGHSTA reserve the mandate to approve Housing allocations (Top structures) to beneficiaries through the HSS process.

9 HOUSINGS PROJECTS

Housing Projects will be handled in terms of the Strategy for the Allocation of Housing Opportunities of the Department of Human Settlements. The Strategy is attached as Annexure "A" hereto.

10. NATIONAL HOUSING NEEDS REGISTER: STANDARD OPERATING PROCEDURES (Fieldworkers)

- 10.1 The Housing Department together with the Ward Councillor must conduct a community meeting in order to explain the community the NHNR process before the fieldworker start the registration process.
- 10.2 Fieldworkers will sign a month-to-month contract, based on the amount of sites as per the Project Pipeline but not limited to PP.
- 10.3 The month-to-month contract of field workers will not be longer than 3 months.

- 10.4 Fieldworkers will be strictly remunerated per form.
- 10.5 Field workers will not be paid for forms that is duplicated forms.
- 10.6 The NHNR fieldworker will submit all forms to the housing unit on a weekly basis.
- 10.7 The Housing Department must provide the fieldworkers with proper identification before they start the process.
- 10.8 Field workers must fill in the NHNR forms as guided and stipulated in guidelines as prescribed by the National Housing Code Outcomes 8.
- 10.9 Every citizen in possession with a valid ID with South African residence-ship and who wants to be assisted with housing, must fill in the NHNR form with the Fieldworker wither or not he or she owns a site or not.
- 10.10The Housing Department must supply fieldworkers with NHNR forms and printing facilities needed for POE documentation.
- 10.11The Housing Department must supply fieldworkers with layout plans of the area where he/she must conduct the NHNR process
- 10.12In the event whereby a beneficiary violate council policy on the site (Occupational Right dispute) the NHNR fieldworker may not proceed with the NHNR registration process and inform the Housing Department of the violation in writing.
- 10.13The Housing Department must investigate the violation in terms of point 9 of this policy.
- 10.14The Housing Department will keep record on all NHNR forms that is submitted by the Fieldworkers, ensuring that only Project Pipeline forms are being processed.
- 10.15Where no project has been allocated to the Municipality the fieldworker may continue capturing only the NHNR without the Subsidy form in order to determine the housing need in the municipal area

11. ILLEGAL SQUATTING ON AND ILLEGAL OCCUPATION OF MUNICIPAL PROPERTY

- 11.1 Any illegal squatting or illegal occupation of municipal property must be reported in writing to the Head of the Housing Department which will appoint a Housing Investigator to investigate the matter.
- 11.2 The responsible investigator must table a detailed written report to the Head of the Housing Department.
- 11.3 The Head of the Housing Department must ensure that a written notice of illegal occupation of municipal property is immediately completed and the notice must be provided to the Law Enforcement Unit of the Municipality.
- 11.4 The Head of the Housing Department must also ensure that the matter is reported in writing to the Head of Law Enforcement Department of the Municipality of the illegal occupation of the property. The Head of the Housing Department must also provide the Legal Department with all the details regarding the matter, in writing.
- 11.5 The Law Enforcement Section must then serve the written the notice of illegal occupation of Municipal Property, by hand, on the occupants and also open a case of illegal occupation of municipal property with the South African Police Service. The Head of the Law Enforcement Unit must supply the Head of the Legal Department with a commissioned affidavit stating that the notice was delivered personally by hand to the occupier or occupants.
- 11.6 If the beneficiary/occupant of the erf does not vacate the property within 48 (forty-eight) hours after receiving notice of the illegal occupation of municipal property, the

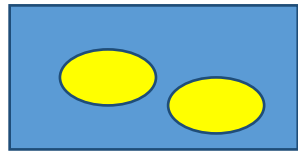
Head of the Law Enforcement Section must report the matter in writing to the Legal Department.

11.7 The Legal Department will then, in conjunction with the Municipal Manager, procure the services of an attorney to obtain the necessary eviction order.

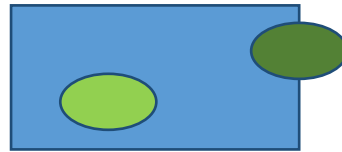
12. REPEAL

That all previous resolutions/policies regarding this matter be repealed.

RELOCATING SCENARIOS



Scenario 1



Scenario 2



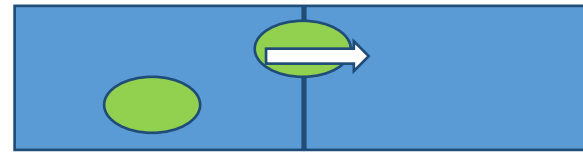
Scenario 3



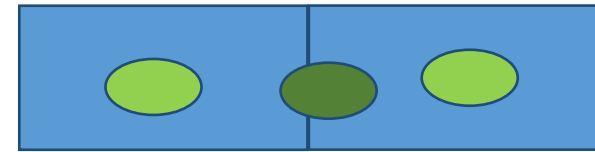
Scenario 4



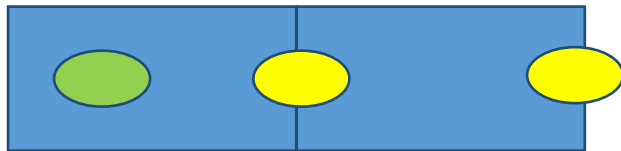
Scenario 5



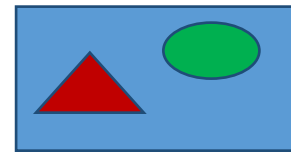
Scenario 6



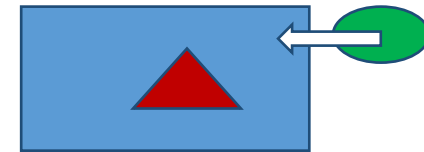
Scenario 7



Scenario 8



Scenario 9



Scenario 10



MUNISIPALITEIT DAWID KRUIJER MUNICIPALITY

Scenario 1

- ▣ Both yellow structures are within the parameters of the site.
- ▣ The timeframe of who resided last will be the measurement to determine who needs to move from the site.

Scenario 2

- ▣ The green structure is 100 % within the parameters of the site, the red structure crossing the parameters-boundaries of the site must relocate. (building-residing timeframes does not apply)

Scenario 3

- ▣ The green structure is 100 % within the parameters of the site; the red structure is outside of the parameters.
- ▣ The red structure must relocate. (Building-residing timeframes does not apply)

Scenario 4

- ▣ Both yellow structures are outside the parameters of the site.
- ▣ The time frame will apply, the beneficiary residing the longest will shift on to the site.
- ▣ (Please note at some cases a structure might be build and various persons might have resided in the structure due to– renting or structure guards)

Scenario 5

- ▣ One yellow structure crossing the parameter and the other yellow structure outside the parameter. Timeframe apply. The beneficiary that resides the longest will shift into the site.

Scenario 6

- ▣ The green structure is 100% within the site parameters the green structure with arrow right into the open site.

Scenario 7

- ▣ Both green structures are 100% within the site parameters. The red structure must relocate. (The Time frame does not apply)

Scenario 8

- ▣ The green structure is 100% within the parameters of the site. The timeframe policy applies for the two yellow structures. The beneficiary whom resides the longest shift into the site and the last beneficiary must relocate.

Scenario 9

- ▣ The red triangle is a half-build or an unoccupied structure. The green structure will thus receive Occupational Right. Time frame does not apply to half-build or unoccupied structures. The Red triangle structure must be removed.

Scenario 10

- ▣ The red triangle structure is half-build, unoccupied or the original owner does not occupy, being used as rental accommodation or the owner of the structure have a residence in another place must relocate or remove structure from site. Green structure shift on to site. (according to Council Occupational Right conditions the occupant of the site must reside on the premises and should not be rented out.).