

POLICY FOR THE EMERGENCY HOUSING ASSISTANCE PROGRAMME

**DEPARTMENT OF LOCAL GOVERNMENT AND HUMAN
SETTLEMENTS**

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ABBREVIATIONS

ABBREVIATION	FULL DESCRIPTION
ESTA	Extension of Security of Tenure Act 62 of 1997
HOD	Head of Department
HSS	Housing Subsidy System
IDA	Incremental Development Area
IDP	Integrated Development Plan
LGHS	Local Government and Human Settlement
MEC	Member of the Executive Council
NGO	Non-Governmental Organization
NHBRC	National Home Builders Registration Council
PD	Provincial Department
PDMC	Provincial Disaster Management Centre
PFMA	Public Finance Management Act, Act 1 of 1999
PIE	Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998
SPLUMA	Spatial Planning and Land Use Management Act, Act 16 of 2013
TRA	Temporary Relocation Area
VAT	Value Added Tax
VIP	Ventilated Improved Pit Latrine/Toilet

DEFINITIONS

Aged persons can be classified as male or female persons who have attained the minimum age set to qualify for Government's old age social grant.

Delegation refers in terms of the Housing Act, Act 107 of 1997, Part 3, Section 7, Sub-

sections (1), (2), (3) and (5):

(1) Every provincial government, through its MEC, must after consultation with the provincial organizations representing municipalities as contemplated in section 136(a) of the Constitution, do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy.

(2) For the purposes of sub-section (1) every provincial government must through its MEC:

(a) determine provincial policy in respect of housing development;

(b) promote the adoption of provincial legislation to ensure effective housing delivery;

(c) take all reasonable and necessary steps to support and strengthen the capacity of municipalities to effectively exercise their powers and perform their duties in respect of housing development;

(d) co-ordinate housing development in the province;

(e) take all reasonable and necessary steps to support municipalities in the exercise of their powers and the performance of their duties in respect of housing development;

(f) when a municipality cannot or does not perform a duty imposed by this Act, intervene by taking any appropriate steps in accordance with section 139 of the Constitution to ensure the performance of such duty; and

(g) prepare and maintain a multi-year plan in respect of the execution of the province of every national housing programme and every provincial housing programme, which is consistent with national housing policy and section

Department means to the North West Province Department of Local Government and Human Settlements.

herself;
or assignment from exercising that power or performing that duty to himself or delegation or assignment does not prevent the person who made the delegation of the rank he or she holds or the post he or she occupies: Provided that the housing matters in a province, either in her or her personal capacity or by virtue to an officer or employee of the department responsible for the administration of (b) assign any duty imposed upon him or her by this Act;

(a) delegate any power conferred on him or her by this Act; or
instance:
(4) The MEC may, subject to conditions he or she may deem appropriate in any (d) administer the assets contemplated in section 14.

the Minister in terms of section 3(2)(c); and
(c) apply procurement policy in respect of housing development determined by national housing policy;
(b) determine provincial housing development priorities in accordance with development fund as contemplated in section 12(2);

(II) the financing thereof out of money paid into the provincial housing (I) any projects in respect thereof; and
the prescripts contained in the Code, approve;

3(2)(b), and for this purpose may, in accordance with that programme and programme which is consistent with national housing policy in section (a) administer every national housing programme and every provincial housing (3) An MEC must:

financing of such a plan with money from the Fund.
3(2)(b), in accordance with the guidelines that the Minister approves for the

Developer refers to the organ/institution planning and implementing human settlement developments.

A disaster is a serious disruption of the functioning of households or a community causing widespread human, material, economic or environmental losses which exceed the ability of the affected households or communities to cope using its own resources.

Disaster Management refers to the continuous and integrated multi-sectoral and multi-disciplinary process of planning and implementation of measures aimed at:

- Preventing or reducing risks of disasters
- Mitigating the severity or consequences of disasters
- Emergency preparedness
- Rapid and effective response to disasters
- Post-disaster recovery and rehabilitation

Discounting of grants refers to 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.

Emergency housing situation can be proactive or reactive and emergency housing can respond to predictable and unpredictable emergencies. Therefore, in terms of the Emergency Housing Assistance Programme (Housing Code: 2009), the definition of emergency housing situation can include the following emergency situations:

- **Homelessness through extraordinary situations (reactive)** which applies to an emergency situation through a declared disaster (as further defined by the Disaster Management Act), or to emergency situations that are not declared but have caused homelessness in the following situations:
 - Floods
 - Strong winds

Eviction according to the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998 is the eviction process or act of removing or preventing a person or community for occupying the property or the land.

- Water
- Sewerage
- Established reserves
- Power lines
- Roads/railways
- *In situ* upgrades

proposed service provision of which the following services will apply:

• ***Households and communities living in the way of service provision or***

- Land or houses vulnerable to any of the emergency risks outlined above
- Dolomitic land that is prone to sinkholes
- Land under-mined at shallow depth
- Threat of eviction from land or unsafe buildings
- Threat of demolition
- Threat of dislocation due to civil conflict or unrest

hazardous situations includes:

threat to life, safety and eventual homelessness and such dangerous and/or **(proactive)** which applies to dangerous and hazardous conditions that poses a

• ***Households and communities living in hazardous conditions***

- Severe rainstorms
- Hail/snow
- Devastating fires
- Earthquakes
- Sinkholes
- Disastrous industrial accidents
- Evictions/house demolitions
- Social/political unrest

In situ refers to on-site assistance of development, no relocation or resettlement is required.

Initial phase of permanent housing solutions envisaged refers to assistance under this programme wherever possible as an initial stage towards a permanent housing solution.

Indigent person refers to a person who is very poor and needy.

Incremental development area is an area where people are relocated permanently and the site is developed incrementally.

Housing development is defined in terms of Housing Act, Act 107 of 1997, as the establishment and maintenance of habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, and to health, education and social amenities in which all citizens and permanent residents of the Republic will, on a progressive basis, have access to permanent residential structures with secure tenure, ensuring internal and external privacy and providing adequate protection against the elements, and potable water, adequate sanitary facilities and domestic energy supply.

Hazard is a potentially damaging physical event, phenomenon or human activity than may cause injury or loss of life, damage to property, social and economic disruption, or environmental degradation.

Grants to municipalities refers to funding under this programme which 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 which further includes possible relocation and resettlement of people on a voluntary and co-operative basis in appropriate cases.

Procurement procedures must be fair, equitable and transparent for the acquisition of housing goods and services. However, municipalities/Provincial Department may employ current legislation authorizing the waiver of tender procedures and the introduction of replacement procedures appropriate for use in emergency housing situations. Proactive procurement procedures must be considered and can include

Proactive emergency housing addresses dangerous and hazardous situations before emergency situations/disasters arises, i.e. the risk situation can be identified and emergency responses can be used to mitigate the risks and decrease vulnerability.

National norms and standards in respect of the creation of serviced stands shall not apply to this programme with regards to temporary aid.

National Department refers to the National Department of Human Settlements.

Municipality means a municipality as contemplated in Section 2 of the Local Government Municipal System Act, Act 32 of 2000.

housing development projects.

Limitation of the application of the programme prescribes that the programme may not be employed to substitute normal planning and projects and therefore **under no circumstances** may this programme be applied to justify funding for normal

Interactivity with other programme and projects means that this programme is towards the alleviation of emergency housing situations of exception housing Management Structure in order to augment and supplement mechanisms geared an officially declared disaster, interaction will occur with the Provincial Disaster to augment and supplement existing disaster management programmes. In the case of emergency.

Temporary relocation area is a site where people are intended to be housed on a temporary basis and the structures are intended for reuse once the affected people are

rebuiding programmes for houses that are not formal dwellings. materials which may include starter kits for floods and fires. Additionally, it includes camps, temporary relocation areas (TRA), incremental development areas (IDA), or **Temporary assistance** is assistance provided to affected people in the form of transit

in terms of an approved Integrated Development Plan (IDP). required by the community to relocate to a secured new location in an area designated **Resettlement requirements** refer to the resettlement of families whereby approval is

and/or destitute. situations/disasters which have left affected households and/or communities homeless **Reactive emergency housing** addresses rapid response to emergency

the Housing Subsidy Scheme. **Qualification for benefits** can include persons that do not qualify for benefits under

Development. **Provincial Department** refers to the North West Provincial Department of Local Government and Human Settlement and in specific the Chief Directorate: Housing

superstructure insurance and such assistance will be limited to absolute essentials. aid that is of a temporary nature. The exception to this rule will be assistance with the repair or reconstruction of damage to permanent formal housing not covered by **Programme scope** refers to assistance provided under this programme as temporary

consultants. annual contracts and the establishment of panels of suitable contractors and

able to return to their reconstructed houses or enter into other formal housing
programmers.

The North West Provincial Policy for the Emergency Housing Assistance Programme aims to be responsive, flexible and rapid programme to address homelessness,

2. PURPOSE OF THE POLICY

On 11 February 2015, the Department of Local Government and Human Settlements approved the *Provincial Policy on Emergency Housing Assistance* which were due for review in 2017, hence this is a reviewed policy guideline from the 2015-approved policy.

Settlements.
through the North West Provincial Department of Local Government and Human function has not been devolved to municipalities and therefore the grant is accessed of grants to municipalities. However, in the North West Province, the Developer wide range of emergency situations of exceptional housing needs through the allocation secure access to land and/or basic municipal engineering services and/or shelter in a main objective of this programme is to provide temporary assistance in the form of programme as provided for in the National Housing Code, Part 3, Volume 4 of which the The Emergency Housing Assistance Programme is a national human settlements

emergency situations.
provide for temporary relief to people in urban and rural areas who find themselves in instituted in terms of the Housing Act, Act 107 of 1997, Section 3(4)(g) in order to control found themselves in emergency housing situations. This programme is government endeavours to address the needs of citizens who for reasons beyond their progressive basis, a National Housing Programme has been instituted through which the destitute. In line with the Constitutional right of access to adequate housing on a negatively impacts on the quality of lives of citizens by rendering them homeless or The country is regularly affected by natural disasters and human-induced disaster that

1. INTRODUCTION

dangerous and hazardous living conditions, and temporary or permanent relocation of vulnerable households or communities in times of emergency housing situations.

3. SCOPE OF APPLICATION

The North West Provincial Policy for the Emergency Housing Assistance Programme benefits all persons who are *not* in a position to address their housing emergency from their own resources or from other sources such as proceeds of superstructure insurance policies and the following households will qualify for assistance under this programme:

- 3.1. Households that comply with the Housing Subsidy Scheme qualification criteria;
- 3.2. Households/persons with a monthly income exceeding the maximum income limit as approved by the Minister;
- 3.3. Households headed by minors who are not competent to contract in collaboration with the Department of Social Development;
- 3.4. Persons without dependants;
- 3.5. Persons who are not first-time home owners;
- 3.6. Persons classified as aged with or without dependants;
- 3.7. Persons who have previously received housing assistance and who previously owned and/or currently own residential property;
- 3.8. Illegal immigrants on the conditions prescribed by the Department of Home Affairs on a case by case basis;
- 3.9. Deed searches will only be required when assistance is to be given for a repair or reconstruction of damage to permanent formal housing; and
- 3.10. 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.

- 5.1. Emergency housing interventions should reduce vulnerability and ensure that risks are mitigated in short, medium and long term;
- 5.2. A proactive response and the proactive potential of the Emergency Housing Assistance Programme are essential features of the policy guidelines;

The North West Provincial Emergency Housing Assistance Programme is underpinned by the following policy principles:

5. POLICY PRINCIPLES

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

The main objective of the North West Provincial Policy for the Emergency Housing Assistance 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 housing situations of exceptional need through the allocation of grants to municipalities in order to achieve the following policy objectives. However, in the North West Province, the Developer function has not been devolved to municipalities and therefore the grant is accessed through the North West Provincial Department of Local Government and Human Settlements:

4. OBJECTIVES OF THE POLICY

The Constitution of the Republic of South Africa in Section 10 prescribes that everyone has an inherent right to dignity and the right to have their dignity respected and protected, which is critical in the implementation of any disaster relief programme. Section 25 further prescribes that nobody can be deprived from property except in terms of the law of general application and no law may permit arbitrary deprivation of property. Essential for LGHS to observe is Section 26 which prescribes that everyone has a right to have access to adequate housing and that the state (LGHS) must take reasonable legislative measures within its available resources to achieve this progressive right. In conjunction with PIE, no one may be evicted from their home or have their home demolished without an order of court after considering relevant circumstances and no legislation may permit arbitrary evictions.

6.1. Constitution of the Republic of South Africa, Act 108 of 1996

6. LEGISLATIVE MANDATE

- 5.7. Responsiveness and flexibility to the situation and emergency context is critical.
method of intervention as well as the utilization of funds; and
- 5.6. Effectiveness, efficiency and sustainability should be pursued in choice and people with disabilities;
- 5.5. Human dignity should be considered, especially regarding attention to the distinct needs of vulnerable groups such as women, children, the aged, and community engagement and clear understanding of their needs and abilities;
- 5.4. Capacity, ability and strength of affected people should be supported through to urban networks and possible opportunities;
- 5.3. Livelihood strategies of affected households should be maintained, enhanced, and supported through the preservation of social networks as well as accessibility

The Disaster Management Act provides for integrated and co-ordinated disaster management policy that focuses on preventing or reducing the risks of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery. It further enacts the establishment of national, provincial and municipal disaster management centres. The North West Province Disaster Management Centre has developed a North West Provincial Disaster

6.4. Disaster Management Act, Act 57 of 2002, as amended

The National Housing Code sets out the underlying principles, guidelines, and norms and standards which apply to government's various housing assistance programmes that were introduced since 1994 and were updated. The main purpose is to provide easy to understand overview of the various housing subsidy instruments available to assist low income households to access adequate housing. In particular to the Emergency Housing Assistance Programme, Part 3, Volume 4 applies, and should be read in conjunction with this policy.

6.3. Housing Code, 2009

The Housing Act is the primary piece of legislation for housing in South Africa and it legally entrench policy principles outlined in the 1994 White Paper on Housing which provides for sustainable housing development processes, laying down general principles for housing development in all spheres of government, defines functions of national, provincial and local governments in relations to housing development and it lays a basis for the financing of national housing programmes. Of utmost importance in relation to the Emergency Housing Assistance Programme in the Housing Act, Act 107 of 1997, is Section 3(4)(g) in order to provide for temporary relief to people in urban and rural areas who find themselves in emergency situations.

6.2. Housing Act, Act 107 of 1997

SPLUMA provides a framework for spatial planning and land use management and specifies the relationship between spatial planning and land use management systems and other kinds of planning by providing a framework for policies, principles, norms and standards for spatial development planning and land use management.

6.6. Spatial Planning and Land Use Management Act, Act 16 of 2013

The PIE Act is a very important piece of legislation as it gives effect to Section 26(3) of the Constitution which provides safeguards against the eviction of unlawful occupiers living on both privately- and publicly-owned land and is therefore applicable to everyone who occupies land or property without the express or tacit consent of the owner or the person in charge of the land or the property. The PIE Act further stipulates express procedural requirements in Sections 4 and 6 for lawful evictions. While the provision of "alternative accommodation" for eviction under the PIE Act are generally accepted as the domain of emergency housing, evictions under the Extension of Security of Tenure Act 62 of 1997, which covers rural areas, are often unaccounted for. ESTA applies in area zoned for farming and agriculture. Growing numbers in cases of farmer worker evictions offer insight into the role of emergency housing in providing alternative accommodation to evicted farm workers; even in cases where only a few farm workers are affected. Municipal jurisdiction extends to the rural areas, and therefore a person facing eviction in rural areas has the right to approach government for emergency housing.

6.5. Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998

Management Framework to guide the development and implementation of disaster management in the Province. This policy should also be read in conjunction with the Disaster Management Act, as well as the North West Disaster Management Framework.

Value Added Tax in line with the Taxation Laws Amendment Act, Act 25 of 2015 prescribes that the Emergency Housing Assistance Programme provides grants to provide for emergency housing assistance in cases of declared disasters and in cases where the MEC is of the opinion that an emergency situation exists and to assist persons faced with evictions. It may also be applied to provide temporary accommodation to persons who need to be relocated to facilitate access to information

6.9. Taxation Laws Amendment Act, Act 25 of 2015:

This Act requires the NHRBC to publish a Home Building Manual which contains the Technical Requirements prescribed by the Minister and guidelines established by the NHRBC to satisfy such requirements. The Home Building Manual amongst others describes the roles and responsibilities of different role players assigned in terms of the primary pieces of legislation governing the design and construction of homes, i.e. the National Building Regulations and Building Standard Act, Act 103 of 1977; the Housing Consumer Protection Measures Act, Act 95 of 1998; and the Occupational Health and Safety Act, Act 85 of 1993. It further illustrates compliance methods that may be applied to satisfy the NHRBC's Technical Requirements for a basic house; and identified extraordinary development conditions which necessitate regional adjustments to single storey homes.

6.8. Housing Consumer Protection Measures Act, Act 95 of 1998

This Act forthrightly states that no development, which has a detrimental effect on the environment, can take place without the consideration of the Minister for Environmental Affairs and Tourism in terms of Part V of this act. The Minister may grant exemption from compliance with any or all of the provisions of the regulations in the Act, or may refuse to do so. The steps of application for exception are listed in the Act.

6.7. Environment Conservation Act, Act 73 of 1989

- 7.2.1. Set aside an appropriate portion of the annual provincial housing budget for emergency housing;
- 7.2.2. Support municipalities wherever possible in compiling applications;
- 7.2.3. Take over the responsibilities of local government in cases where a municipality does not have sufficient capacity;

7.2. Provincial Department of Local Government and Human Settlements

- 7.1.1. Assist other spheres of government where necessary or possible regarding conceptualization, application, evaluation, implementation, release of state land, and others;
- 7.1.2. Allocate funding to the provincial government;
- 7.1.3. Assist with the interpretation of the programme;
- 7.1.4. Monitor implementation; and
- 7.1.5. Draw on operational budgets if necessary to establish a national co-ordinating body to address large-scale emergency housing needs.

7.1. National Department of Human Settlements

7. ROLES AND RESPONSIBILITIES

The programme by and large does not provide individual ownership subsidies as the main focus is temporary housing assistance and service provision. These interventions are thus not subject to the VAT zero rating concession. However, in certain instances where existing permanent housing structures have been destroyed during disasters, the programme will finance the reconstruction of services and houses. In these cases, the VAT zero rating concession should apply. The subsidy amount applicable in such cases will vary depending on the circumstances but will by and large be equal to the subsidy under the Integrated Residential Development Programme.

- 7.3.1. Identifies the emergency and submit application for assistance to the PD in terms of the programme;
- 7.3.2. Proactively plan by establishing liaison channels and procedures to address emergency situations;
- 7.3.3. Initiate, plan and formulate application to the PD. Municipalities that are not accredited must do this under the supervision of the PD;

7.3. Municipalities

- 7.2.4. Forward application for emergency housing funding with comments to the MEC who can exercise discretion in the use of the emergency housing guidelines outlined in this policy. Detailed considerations for project approval appear in Section 3.4.1. of the Emergency Housing Programme in the Housing Code, 2009. No projects should be approved by provincial government unless funding is allocated and the municipality should be notified immediately regarding the status of the application;
- 7.2.5. Reserve, prioritize, and allocate funding for the programme from the annual budget;
- 7.2.6. Conduct planning for the development of future formal housing where applicable;
- 7.2.7. Planning and development of permanent housing solutions;
- 7.2.8. Implement projects as Developer;
- 7.2.9. Monitor the implementation of projects;
- 7.2.10. Assist with the use of accelerated planning procedures;
- 7.2.11. Update the HSS with beneficiary information;
- 7.2.12. Assume ownership of temporary structures; and
- 7.2.13. Apply for national funding if the establishment of a co-ordinating body to address larger emergency housing needs is required.

7.4.1.1. The Municipal Disaster Management Centres in the North West Province in conjunction with the Provincial Disaster Management Centre are the first responders on the scene of emergencies. The PDMC is the only state component that is able to co-ordinate emergency and/or disaster relief materials including transport, emergency shelter, trauma counselling, etc. NGO's and other partners often assist with this process. There is however, no clear timeframe

Management Centre in LGHS):

7.4.1. Provincial Disaster Management (by the Provincial Disaster

7.4. Other Departments and Providers

- 7.3.4. Ensure that situations that qualify under the Emergency Housing Assistance Programme are given expedited/preferential treatment;
- 7.3.5. Request support from the PD if the municipality lacks capacity;
- 7.3.6. Ensure adequate communication and participation with beneficiaries and stakeholders;
- 7.3.7. Ensure that bulk, connector and basic engineering services are provided;
- 7.3.8. Provide relocation assistance, including transportation of affected people;
- 7.3.9. Operate, manage and maintain settlement areas created under this programme;
- 7.3.10. Maintain or repair installed services and temporary shelters;
- 7.3.11. Provide basic engineering services and assistance whenever necessary to enable the installation/repair of engineering services by/for affected households;
- 7.3.12. Maintain a register of beneficiaries;
- 7.3.13. Work toward expediting emergency housing responses.

8.1. Rapid but careful and systematic **assessment** of the emergency housing situation by the Local Municipality is the first critical step to ensure that the emergency has been understood properly and the relevant stakeholders have been engaged appropriately. Information obtained through the assessment will enable implementing agents to estimate timeframes and immediacy of responses and to assess the budget requirements. The assessment must be contextualized in the application in order to inform decision-making processes in order to respond to the emergency situations. The contextual elements in the application that must be taken into consideration are:

8. DELIVERABLES OF THE POLICY

7.4.2.1. The National Department declares national states of disaster in terms of the Disaster Management Act, Act 57 of 2002. The National Department classifies disasters declared by Provinces and Municipalities. The National Department can be approached to facilitate the securing of disaster funds after the declaration of a disaster by Provinces. The National Department can further be approached to assist with the Urban Settlement Development Grant and the Municipal Infrastructure Grant.

Affairs:

7.4.2. National Department of Cooperative Governance and Traditional

indicating the transition between disaster support and emergency housing, but if disaster shelter is prolonged, it could constitute inadequate shelter in terms of the Constitution and may create additional challenges. Therefore, it is essential that the efforts of the Emergency Housing Assistance Programme be aligned with the efforts of the PDMCs.

8.1.1.	<i>The emergency:</i>	8.1.1.1. Type/nature;
		8.1.1.2. Frequency and change of reoccurrence;
		8.1.1.3. Proactive or reactive response requirements;
		8.1.1.4. Scale;
		8.1.1.5. Urgency of the response needed; and
		8.1.1.6. Risk and vulnerability of the community or the area.
8.1.2.	<i>Land issues:</i>	
		8.1.2.1. Suitability of current land for permanent or temporary settlement;
		8.1.2.2. Availability of other sites and parcels; and
		8.1.2.3. Capacity improvement requirements.
8.1.3.	<i>Capacity and resources:</i>	
		8.1.3.1. The State's capacity to undertake various responses and availability of financial resources;
		8.1.3.2. Community structures, organizations, abilities, skills, assets and resources to support the intervention; and
		8.1.3.3. NGO's/partnerships within the community and between the State and the community that could be used to facilitate aid or response.
8.1.4.	<i>Community dynamics:</i>	
		8.1.4.1. History of the community in the area;
		8.1.4.2. Livelihood needs of affected households;

Considerations to be addressed by the intervention	When to use	Situation category
<ul style="list-style-type: none"> • 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 should be conducted. The provision of basic municipal engineering services should be planned and designed in such a manner that it could be shared initially but can be extended later on to service 	<ul style="list-style-type: none"> • Settlements devastated by fires 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. • The existing settlement land is suitable for permanent housing development purposes later on. <i>In situ</i> upgrading can occur. Temporary housing assistance can be provided on the land, as a first phase towards permanent housing development. • Situations of flooding, fire, unsafe buildings or any event that rendered the land 	<p>Sub-category 1.1.: Temporary on-site assistance, no relocation required:</p> <p>Sub-category 1.2.: Relocation to a permanent location</p>

8.2.1. *Category 1: Emergency housing situation with permanent settlement solution where land is available for permanent housing solution:*

8.2. **Categories of response** options that justifies assistance in terms of the Emergency Housing Assistance Programme are:

- 8.1.5. Recommendations in terms of the appropriate category of response with substantiating reasons must also be included, see section 8.2. for categories of responses.
- 8.1.4.3. Vulnerability and resilience of the community; and
- 8.1.4.4. Internal fragmentation and resistance.

<p>future permanent housing development.</p> <ul style="list-style-type: none"> • Temporary shelter may be provided in either the form of assistance through the provision of building materials and/or assistance with the construction of shelter. • In terms of sub-category 1.3., 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 for payment of rent and municipal services. 	<p>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.</p> <ul style="list-style-type: none"> • 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. • 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 earmarked for occupation or use by others, and where permanent housing development can later take place. 	<p>with assistance on a temporary basis:</p> <p>Sub-category 1.3.: Temporary assistance through resettlement to an existing developed area:</p>
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8.2.2. Category 2: Existing formal housing to be repaired or rebuilt:

Considerations to be addressed by the intervention	When to use	Situation category
<ul style="list-style-type: none"> • The municipality should investigate whether any insurance cover in respect of any property applies or confirm that no such cover in applicable. • Assistance may be given not only in respect of subsidized housing, but also to other damaged or destroyed in situations giving rise to an emergency situation as defined. • Heads of households who benefit under this programme must be recorded on the National Housing Subsidy Database as beneficiaries of the HSS, irrespective of the amount of work or reconstruction. Housing should, as a first option, be repaired or constructed on site. Assistance will only be provided in respect of one house per current site in formal townships (as well as in rural areas). • Persons who reside in backyards cannot be assisted under this category and should apply under category (1) or (3). • Assistance with the cost of repair or reconstruction of 	<ul style="list-style-type: none"> • Situations where houses are damaged or destroyed to be repaired or rebuilt on the existing site or a new serviced site for resettlement. • This can only be used if the home-owner does not have insurance. 	<p>Permanent formal housing to be repaired or rebuilt:</p>

Considerations to be addressed by the intervention	When to use	Situation category
<ul style="list-style-type: none"> Affected persons can only be provided with temporary relief on land where housing on a permanent basis cannot be provided later on. 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 	<ul style="list-style-type: none"> Situations caused by severe frequent flooding, failure of dam walls, eviction from land or unsafe buildings, civil unrest where people are forced to vacate the land. Persons are settled on land and/or in buildings that can no longer be used for settlement purposes, either temporarily or permanent. 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 	<p>Sub-category 3.1.: Assistance with relocation to temporary settlement area and to be relocated again once a permanent housing solution is possible:</p>

8.2.3. Category 3: Temporary solution:

<ul style="list-style-type: none"> 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. This assistance is regardless any extensions or improvements which may have been made to the property. In case of subsidized housing, where the owner has added improvements, those will not be repaired or reconstructed. 		
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<p>services and shelters should be designed for removal. 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.</p> <ul style="list-style-type: none"> • 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. Land surveying 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 scoping studies to obtain necessary approvals. The municipality should ensure proper settlement management. • The municipality should ensure that persons receive tenure in the form of lease agreements, which may also provide for payment of rent and municipal services. Standardized assistance should be provided regardless of whether or not households already have 	<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 has been destroyed by fire or heavy rain and where it can only be used for temporary settlement purposes. • Situations caused by severe frequent flooding, failure of dam walls, eviction from land or unsafe buildings, civil unrest where people are forced to vacate the land. Persons are settled on land and/or in buildings that can no longer be used for settlement purposes, either temporarily or permanent. 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. • The municipality/PD has established or wishes to establish a permanent temporary settlement area. 	<p>Sub-category 3.2.: Temporary assistance on site with resettlement later on to a permanent temporary settlement area:</p> <p>Sub-category 3.3.: Temporary assistance with resettlement to a permanent temporary settlement:</p>
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<p>8.3.4. Damaged permanent houses</p>	<p>8.3.3. Temporary shelter</p>	<p>8.3.2. Damaged municipal engineering services in permanent formal housing areas</p>	<p>8.3.1. Municipal engineering services in temporary settlement areas</p>
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • The National Norms and Standards in respect of Permanent Residential Structure will not apply in temporary settlement areas. Temporary shelters should be basic, simple in form and easy to construct. The structural 	<ul style="list-style-type: none"> • In case of damage to engineering services of existing subsidized housing, where no other funding is available, consideration should be given to the funding of repairs in accordance with the original approved project design 	<ul style="list-style-type: none"> • The National Standards in respect of Permanent Residential Structure shall not apply to the implementation of the programme. However, in certain circumstances where its implementation constitutes the

8.3. **Norms and standards** should be read in conjunction with detailed description in the Housing Code:

<ul style="list-style-type: none"> • This approach is one of a last resort and should only be adopted only if no other course of action is feasible or practical. • In respect of sub-category 3.3., funds spent will constitute temporary assistance and will therefore not be taken into account in the granting of subsidies later on. 		
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<p>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.</p>	<p>design should provide strength, stability and durability for the anticipated life-span of shelter providing basic shelter against the elements and should be appropriate for the specific environment. The floor area of the shelter should be at least 24m² and may vary up to 30m² depending on the need and possibilities within funding limits. 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 Standards applicable to the relevant HSS. Shelters can be provided through the supply of materials to beneficiaries on site to construct their own shelter</p>	<p>and construction specifications. In case of damage to engineering services requiring the reconstruction or provision thereof at another site, the National Norms and Standards will apply.</p>	<p>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.</p>
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8.4.1.2. For the purpose of accommodating any extra-ordinary 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

8.4.1.1.2. The use of VIP toilets may not be appropriate in certain situations and an alternative system may therefore be required.

8.4.1.1.1. 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;

8.4.1.1. Deviations from the guideline norms and standards (as above indicate in paragraph 8.3. and variations allowed should be fully motivated, for instance:

8.4.1. Variations applicable to temporary settlement areas:
8.4.1.1. Deviations from the guideline norms and standards (as above indicate in paragraph 8.3. and variations allowed should be fully motivated, for instance:
8.4.1.1.1. 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;

	<p>or to be constructed depending on the exceptional nature of the situation.</p> <ul style="list-style-type: none"> • Technical specifications in the Housing Code to be used in the design of shelters. 		
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8.4. 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.

- 8.4.1.3. In respect of areas where the use of VIP toilets may not be recommended by the professional. and must be costed in terms of the minimum precautions professional assessment confirming the relevant conditions considered. The actual variation will be based on a ordinary stand of 250m²) to be allowed, could be additional amount per grant (based on a higher than normal settlement density of up to 5 shelters per ordinary stand of 250m²), could be applied. The actual variation must be based on professional assessment confirming the relevant conditions with detailed motivation and costing.
- 8.4.1.4. In respect of Category 1 (emergency housing situation with permanent settlement solution where land is available for permanent housing solution), 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.
- 8.4.1.5. For the Category 3 (temporary solution) solution, land may be required through lease, as a last resort.
- 8.4.2. Variations applicable to damaged permanent housing:
8.4.2.1. For the purposes of accommodating extra-ordinary 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.
- 8.4.2.2. For the purpose of accommodating disabled persons, the disability variation as contained in the Variation Manual

- 8.5. The contents of an application could contain information regarding the following:
- 8.5.1. Particulars of the applicant.
 - 8.5.2. A description of the emergency need, indicating its nature, origin and planned course of action which should further include:
 - 8.5.2.1. Locality;
 - 8.5.2.2. Community profile;
 - 8.5.2.3. Steps taken to date;
 - 8.5.2.4. Identify whether there is a need to relocate affected persons, and if so, details on the new location and the land for proposed resettlement;
 - 8.5.2.5. Whether a state of disaster has been/is to be declared, in which case this programme is to augment the disaster management processes;
 - 8.5.2.6. Detailed funding requirements;
 - 8.5.2.7. Communication strategy;
 - 8.5.2.8. Municipal capacity and requirements;
 - 8.5.2.9. Special and exceptional situations;
 - 8.5.2.10. Proposed project business plan and financial flow details;
 - 8.5.2.11. Number of shelters to be provided and/or details of municipal engineering services to be provided and/or details of formal houses to be repaired or reconstructed;
 - 8.5.2.12. Details on land ownership or acquisition of land;
- 8.4.2.3. An additional variation of up to 5% of the total grant amount could be warranted to cover the cost of removal of existing damaged structures and building rubble could be considered.
- described in the General and Technical section could be considered.

8.7. In **making its decision, the MEC** shall, where applicable, give due consideration to the following criteria:

- 8.6.1. Acknowledge receipt of the application within 7 working days;
- 8.6.2. 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 an 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;
- 8.6.3. Ensure that each submission is accompanied by a document explaining the strategy proposed for follow through actions and the completion of the project;
- 8.6.4. Confirm that funds are available for the project; and
- 8.6.5. 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.

8.6. The application should be submitted to the **PD who will evaluate** the application and submit to the MEC for decision. Upon receipt of the application from the municipality, the PD should:

- 8.5.2.13. Contracting strategy;
- 8.5.2.14. Detailed plan for permanent settlements solutions for affected persons if applicable; and
- 8.5.2.15. Any other information that may assist the MEC to come into a decision in the application.

8.8. **Approval of the application:**

- 8.7.1. Conformity to the policy intent of the Emergency Housing Assistance Programme and meet the requirements of the definition of an emergency housing situation;
- 8.7.2. The cause, nature and extent of the emergency housing situation;
- 8.7.3. Actions that have already been taken to address the immediate emergency situation;
- 8.7.4. Potential for further aggravation if emergency action is not taken;
- 8.7.5. Availability of funds in relation to the need to provide for other demands that might be made;
- 8.7.6. Prevailing environmental conditions;
- 8.7.7. Community involvement;
- 8.7.8. Capacity of the municipality and/or the PD to assist or to address the situation;
- 8.7.9. Evaluation of the PD of the situation and its recommendations;
- 8.7.10. The need to request assistance from the National Department; Job opportunities;
- 8.7.11. Technical feasibility;
- 8.7.12. Innovation, replicability and cost efficiency;
- 8.7.14. Accountability and the gearing of other possible State or other resources;
- 8.7.15. Availability of suitable land, social and municipal services;
- 8.7.16. Cost and structure of the application in terms of the funding and technical requirements and guidelines;
- 8.7.17. Land ownership details, land acquisition plan, land price; and
- 8.7.18. Planning regarding the permanent housing solution for the affected persons.

- 8.9.1. If the application is approved, the MEC will, subject to the conditions of the Emergency Housing Assistance Programme determine specific terms and conditions applicable to the approval and the PD will register that approval and inform the municipality concerned.
- 8.9.2. No application should be approved unless funds are allocated to the project by the PD.
- 8.9.3. The MEC may stipulate the nature and scope of any other agreement/s it deems necessary for the successful completion of the project.
- 8.9.4. The PD must immediately notify the municipality concerned whether an application has been approved, approved with conditions, partially approved or declined.
- 8.9. **Agreement between the PD and the municipality** concerned after the approval of an emergency housing project:
- 8.9.1. Each agreement between the PD and the municipality concerned should incorporate the application as an Annexure, which must be signed on behalf of the PD by the HOD and the Municipal Manager or other duly authorized representatives.
- 8.9.2. The agreement should at least contain:
- 8.9.2.1. Conditions imposed by the MEC when approving the project;
- 8.9.2.2. Requirements of the procurement regime;
- 8.9.2.3. Total number of persons/households to be assisted under the project;
- 8.9.2.4. Detailed description of the land and basis for securing the land where assistance will be provided; and
- 8.9.2.5. The envisaged planning of the area and the type of assistance that will be provided in terms of secure access to land, basic municipal engineering services to be provided, if applicable, the type of shelter to be provided to affected

8.10.1. Where land suitable for housing development in emergency housing situations is required, it must first be sought from land identified in

8.10. Land acquisition:

- 8.9.11. Any other matters deemed reasonable and necessary to ensure meeting project objectives.
- 8.9.10. Detail on any other agreed housing goods or services to be provided and or procured; and
- 8.9.9. The agree professional services to be procured, detail on the work to be done, and fees to be paid;
- 8.9.8. Arrangements to be made in respect of payment of service charges and where applicable, municipal rates;
- 8.9.7. 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;
- 8.9.6. Rental to be charged for the shelter provided subject to any applicable provisions for assistance to indigent persons;
- 8.9.5. A detailed project implementation plan also indicating the cash flow, agreed project milestones and progress payments;
- 8.9.4. The amount of the grant approved under the Emergency Housing Assistance 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;
- 8.9.3. A details itemized breakdown of all amounts of the grant and the total grant amount;
- persons/households, if applicable, and, detail of any other assistance to be provided.

- Spatial Development Frameworks that supplement Integrated Development Plans.
- 8.10.2. Preference should be given to the acquisition of state-owned land.
- 8.10.3. Privately owned land may be acquired through purchase as a last resort.
- 8.11. **Procurement** of housing goods and services:
- 8.11.1. In all circumstance the prescripts applicable to municipalities and/or the PD must be complied with as outlined in the Public Finance Management Act, Act 1 of 1999, Section 25 for National Departments and Section 16 for Provincial Departments, the Municipal Finance Management Act, Act 56 of 2003, Section 29, and the Preferential Procurement Policy Act, Act 5 of 2000.
- 8.11.2. The following housing services and goods may be required:
- 8.11.2.1. Professionals to assist with technical support.
 - 8.11.2.2. Acquisition of land.
 - 8.11.2.3. Provision of building materials.
 - 8.11.2.4. Contractor services.
 - 8.11.2.5. Labour.
- 8.12. The **ownership of temporary shelters**, as provided for under Section 8.2. of this policy to be provided under this programme should vest with the PD, however, the PD:
- 8.12.1. May negotiate the transfer of ownership of the shelters to the municipality where this is feasible and practical;

This policy shall come into effect from the date of approval.

9. EFFECTIVE DATE OF THE POLICY

- 8.12.2. May negotiate and agree with the municipality to take responsibility for the use, management and maintenance, dismantling, removal and safe storage of shelters; and
- 8.12.3. Such agreements must comply with provisions of the PFMA.
- 8.13. **Funds** will be made available by the PD's through the reservation of funds and/or reprioritization 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.
- 8.13.1. Project funding will be determined by the MEC based on the nature and extent of the emergency housing situation.
- 8.13.2. Once a project has been approved a grant will be made available to the developer (of which in the case of the North West Province, remains LGHS) to undertake the provision of emergency housing assistance.
- 8.13.3. Persons qualifying for assistance under this programme may include persons who do not comply with the qualification criteria applicable to the HSS; grants will not be made for assistance which should be funded by another national housing programme.
- 8.13.4. The funding guidelines for amounts to be considered for each aspect of a project will be published by the National Department of Human Settlements and provided by means of an annual circular. The actual costs of the project will be determined by a variety of considerations such as the location of the project, service standards, township design and layout, development options selected and local tender prices.

HEAD OF DEPARTMENT

MR PE MOTOKO



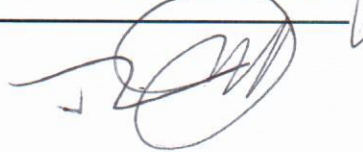
DATE

25/09/2017

TECHNICAL SERVICES

RESEARCH, PLANNING AND
CHIEF DIRECTOR: HOUSING NEEDS,

MR T PHELLHU



DATE

31/08/2017

Recommendation:

MS HH DU PLESSIS



DATE

24/08/2017

MS KV MALOKA



DATE

24/08/2017

Policy Developer/s:

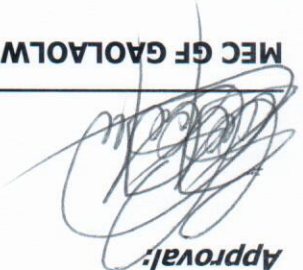
11. APPROVAL

This policy will be reviewed as and when changes are made in national legislation pertaining to the Emergency Housing Assistance Programme.

10. POLICY REVIEW

MEC GF GAOLAOIWE

Approval:

A handwritten signature in black ink, appearing to be 'M. G. Gaolaoiwe', written over a horizontal line.

DATE

09/09/2017

12. REFERENCES

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APPENDIX A: REGISTER FOR ADMINISTRATIVE ACTION

Name of Department: **NW Department of Local Government and Human Settlements**

Name of Policy: **Emergency Housing Assistance Programme**

A LINE NO	B POLICY / PROCESS / PROCEDURE DESCRIPTION	C ADMINISTRATOR- ROLES AND RESPONSIBILITIES / DECISION POINTS (VARIC)					D CONDITIONS / LIMITATIONS / COMMENTS (SMARTER)
		C1 – Respon- sible and Execute Doer of the administra- tive action	C2 - Verifier I must check - Supervisor	C3 - Consulted Always keep me in the loop or I must recom- mend	C4 – Authorize / Approve I decide or approve	C5 - Informed Keep me in the picture	
1	Approval and amending the Policy	D: HPR	HS Policy Project Team	DMC 3 Relevant Branches EMC	MEC	LGHS Provincial Disaster Management Centre Municipalities	
2	Assessment of emergency situation	Municipality with assistance from PD where capacity lacks prepare application	HD Evaluate assessment	PDMC for assessment of emergency situation	MEC considers assessment	HD Municipalities PDMC	

A LINE NO	B POLICY / PROCESS / PROCEDURE DESCRIPTION	C ADMINISTRATOR- ROLES AND RESPONSIBILITIES / DECISION POINTS (VARIC)					D CONDITIONS / LIMITATIONS / COMMENTS (SMARTER)
		C1 – Respon- sible and Execute Doer of the administra- tive action	C2 - Verifier I must check - Supervisor	C3 - Consulted Always keep me in the loop or I must recom- mend	C4 – Authorize / Approve I decide or approve	C5 - Informed Keep me in the picture	
3	Application for emergency housing assistance	Municipality with assistance from PD where capacity lacks prepare application	HD	PDMC CFO for funding	MEC project and implementati on plan	HD Municipalities PDMC NDHS	
4	Agreement between LGHS and municipality (after approval of project)	HD draft agreement	Legal Services	Municipality on draft agreement	HoD and MM signs agreement	HD Municipality PDMC NDHS	

A LINE NO	B POLICY / PROCESS / PROCEDURE DESCRIPTION	C ADMINISTRATOR- ROLES AND RESPONSIBILITIES / DECISION POINTS (VARIC)					D CONDITIONS / LIMITATIONS / COMMENTS (SMARTER)
		C1 – Responsible and Execute Doer of the administrative action	C2 - Verifier I must check - Supervisor	C3 - Consulted Always keep me in the loop or I must recom- mend	C4 – Authorize / Approve I decide or approve	C5 - Informed Keep me in the picture	
5	Project implementation	HD	<u>Inspection</u> PMU NHBC HD	Municipality Community CFO procurement of housing goods and services	HoD procurement CD: HD payments for milestones achieved	MEC HD Municipality NDHS	

Abbreviations:

- HD:** Chief Directorate: Housing Development
HOD: Head of Department
LGHS: Department of Local Government and Human Settlements
MEC: Member of the Executive Council
MM: Municipal Manager
NDHS: National Department of Human Settlements
NHBC: National Home Builders Registration Council
PDMC: Provincial Disaster Management Centre
PMU: Project Management Unit

How to Complete the Register of Administrative Action

1. The Register should identify the name of the department and the name of the policy.
2. Columns A to D of Appendix B is explained below:
 - (a) Column A – Line number for easy referencing of every line item.
 - (b) Column B – A description / summary of main elements of the policy, a broad process or broad procedure identified for the execution of an administrative action.
 - (c) Column C – Identifies the relevant administrator and describes their roles and responsibilities as well as necessary decision points or decision gates. For columns C1 to C5 please refer to the VARIC indicators set out in the Guide.
Capture the WHO (Administrator) and the WHAT (Action/ decision).
 - (d) Column D - Specify any conditions or limitations / thresholds that administrators must adhere to in exercising administrative action. This also provides for any comments that may be required to clarify actions.