Provincial Emergency Policy Guidelines
on
Emergency Housing Assistance

31 March 2013
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TITLE OF THE POLICY

The policy shall be referred to as Provincial Emergency Policy Guidelines on Emergency Housing Assistance. This policy guideline can only be fully understood and make implementation sense if it is used in conjunction with the National Code: Emergency Policy Guideline (volume 4).

PREAMBLE

The development of this document was necessitated by the need for provincial specific guidelines on the delivery of emergency housing. The Provincial specific guideline to the implementation of emergency housing is in line with the National Housing Code on Housing Assistance in Emergency Housing putting emphasis as well as legalising the unique experiences and practices of the province.

In emergency housing need, government is mandated to give emergency relief to victims of disasters and the relief can be temporary or permanent. According to the Housing Code the Department of Human Settlements is mandated to give both temporary shelters in cases of emergency and permanent structures to address housing needs as the department seeks to ensure that everyone enjoys a right to adequate housing as well as social security.

PROVINCIAL PRACTICE IN CASES OF EMERGENCY

In the province a practise is that the districts and local municipalities through their Disaster Management Units, Department of Local Government and Traditional Affairs as well as Department of Public Works, Roads and Transport handles the first phase of disaster with the immediate supply of temporary shelter.

The Department of Human Settlements provide permanent houses for those affected in the short possible timeframe.

OBJECTIVES OF THE POLICY GUIDELINES

The primary objective of this policy is to:

a. Facilitate activities that will ensure speedy provision of emergency relief for people who find themselves in emergency situations in both urban and rural areas within the Province.
b. clarify stakeholders’ roles

c. streamline and regulate the involvement of stakeholders

d. put timeframes to the business of delivering emergency houses

e. legislate stakeholders operations

**EMERGENCY CONDITIONS COVERED BY THE POLICY GUIDELINES**
*(Revised Housing Code Volume 4, pg15, a and b)*

When people:

a. have become homeless as a result of a declared state of disaster, where assistance is required, including cases where initial remedial measures have been taken in terms of Disaster Management Act, 2002 (Act No. 57 of 2002) by government, to alleviate the immediate crisis situation;

b. have become homeless as a result of a situation which is not declared as a disaster, but destitution is caused by extraordinary occurrences such as floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents;

**DEFINITIONS OF EMERGENCY SITUATIONS COVERED BY THE PROVINCE**

Emergency is herein defined as a situation where a person’s house is destroyed due to natural causes such as

a. **Floods**

Flood is an overflow of expanse water that submerges land or temporary covering by water of land not normally covered by water. These floods turn to damage roads, homes and business if they are situated in the flooding area.

Waterlogged areas are to be avoided as residences because these areas are easily flooded when it rains. When disaster strikes people should be relocated immediately to a suitable place to avoid the reoccurrence of natural disaster.
**b. Earthquake/Tornado/Storm**

When the earthquake/tornado/storm hit houses crack or get totally damaged. In the event that the houses are cracked because of earthquake/tornado/storm they should be repaired according to the stipulation of the audit but if they are not repairable such houses will be built afresh to ensure quality.

**c. Snow**

When mud houses are damaged or destroyed by long lasting snow they must be replaced by the permanent structure on the suitable land where the owner of the house will have the right to the piece of land where his/her house is built.

**d. Sinkholes (if sinkholes are sudden)**

Like in waterlogged areas, sinkholes areas should be avoided when residential areas are established. Damaged houses that are built on the land that has sinkholes must not be repaired but people have to be relocated to a suitable place.

**e. Fires**

In the situation where fire has occurred and houses are affected, such houses will have to be repaired provided it is repairable and if not reparable it should be replaced.

**EMERGENCY CONDITIONS TO BE COVERED BY DISTRICT AND LOCAL MINICIPALITIES WITH THE HELP OF IDENTIFIED PARTNERS (Revised Housing Code Volume 4, pg15, c to i).** These circumstances or emergencies can easily be predetermined.

When people:

- Live in dangerous conditions such as on land been prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes and who require emergency assistance;

- Live in the way of engineering services or proposed services such as those for water, sewerage, power, roads or railways, or in reserves established for any such purposes and who require emergency assistance
e. Are evicted or threatened with imminent eviction from land or from unsafe buildings, or situations where pro-active steps ought to be taken to forestall such consequences;

f. Whose homes are demolished or threatened with imminent demolition, or situations where proactive steps ought to be taken to forestall such consequences;

g. Are displaced or threatened with imminent displacement as a result of a state or a civil conflict or unrest, or situations where proactive steps ought to be taken to forestall such consequences; or

h. Live in conditions that pose immediate threats to life, health and safety and require emergency assistance.

i. Are in a situation of exceptional housing need, which constitutes an emergency that can reasonably be addressed only by resettlement or other appropriate assistance, in terms of this programme.

PEOPLE TO BE ASSISTED BY THE PROVINCE IN EMERGENCY SITUATIONS SECOND PHASE OF RESPONSE
(Revised Housing Code Volume 4, page16: bullet point 1, 3, 4 &6)

i. Households that comply with the housing subsidy Scheme qualification criteria;

ii. Households headed by minors, who are not competent to contract in collaboration with the Department of Social Development;

iii. Persons without dependants

iv. Persons classified as aged: aged people who are single without financial dependants may also apply for subsidization. Aged persons can be classified as male and females who have attained the minimum set to qualify for government’s old age social grant.

PEOPLE TO BE ASSISTED BY DISTRICT AND LOCAL MUNICIPALITIES WITH THE HELP OF IDENTIFIED PARTNERS - FIRST PHASE OF RESPONSE
(Revised Housing Code Volume 4, page16: bullet point 2, 5, 7 &8)

i. Households/persons with a monthly exceeding the maximum income limit as approved by the Minister from time to time

ii. Persons who are not first time home owners

iii. Persons who have previously received housing assistance and who previously owned and/or
currently own a residential property. Assistance may be considered on condition that access to the benefits of the programme will be considered on the case by case basis to determine the facts and the approval of access in accordance with the provisions of the detailed implementation guidelines of the programme.

iv. Illegal immigrants on the conditions prescribed by the Department of Home Affairs on a case by case basis.

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

**FUNDING**

- The program will be funded from the annual allocation by the Minister to provincial governments.
- It will be administered as other projects’ funding is administered.

**EMERGENCY HOUSING DELIVERY ACCELERATION FORMULA**

a. When disaster strikes the President, Premier or MEC will make a pronouncement and declare the area “a disaster area”.

b. District and Local Municipality in conjunction with the Developmental Local Government and Traditional Affairs and Public Works and Transport will supply victims of a disaster with temporary shelter.

c. The Local Municipality will then audit and determine the nature of the disaster, damages, and the extent of the need within a week (7 days) of the disaster. If the magnitude is great the audit will be done in phases.

d. After every phase the list of the victims will be submitted to the Department of Human Settlements.

e. The Department of Human Settlements will capture the names to verify qualification within a week (7 days).
f. Supply Chain Management will invite close tender bid/s in phases if necessary, a day or two after the receipt of the list from the local municipality

g. The tender will be closed within a week (7 days) after the invitation

h. Reconstruction of houses should resume (in phases if need be) after 30 days of the first day of a disaster

i. The latest allowed time for the construction to start will be 40 days of the first day of a disaster

In the event that the area where houses are to be constructed does not have a valid geotechnical report – enough time will be allowed for the geotechnical investigations to take place and report produced. Timeframe will be determined by implementers of the project taking into consideration the urgency of the situation. The information about the unavoidable delay will be thoroughly communicated with the district, local municipality and the victims of the disaster.

j. The Emergency Housing Project will have to be completed within 180 days (6 months) of the first day of a disaster

k. The Emergency Housing Projects will only be implemented by the Department of Human Settlements to guarantee speedy delivery

l. The subsidy quantum used will be within DORA stipulations

Help will be sought from either the MEC or Premier’s discretionary fund according to individual cases for those who do not qualify for the subsidy quantum BUT do not have the means to reconstruct their houses

DEMONSTRATION OF ROLE PLAYERS RESPONSIBILITIES

THE FOLLOWING STAKEHOLDER WILL PROVIDE TEMPORARY SHELTER TO THE VICTIMS OF DISASTER (FIRST PHASE):

- District Municipality
- Local Municipality
- Department of Local Government and Traditional Affairs
- Department of Public Works and Transport and
- Any other identified stakeholders by the District or the Local Municipality

**DISTRICT AND LOCAL MUNICIPALITIES**

- Audit the damage thoroughly
- Compile the list of victims and their identity numbers
- If the damage is huge and the audit seem surmountable – the work shall be done in phases
- Submit to the department within seven days of the first day of the disaster
- Every seven days will be a submission of a phase
- Monitor the implementation of the project
- Allocate complete houses to beneficiaries

**PROVINCIAL DEPARTMENT OF HUMAN SETTLEMENTS**

- Provide guidance and assistance to the district and local municipality
- Assist the local municipality in preparing applications
- Accept submission and action them
- Contractors on the database be invited to bid (close tender)
- Seven days be set as a deadline for submission of bids submission
- Bid committees must sit in one week
- Appointment be done within seven days after the closing of the bid
- Budget allocated for emergency housing be utilized
- If extra funding is needed, the MEC and/or the Premier’s discretionary fund shall be utilized
- Engage local municipality before and during Implementation
- Monitoring be done jointly (department and the local municipality)
Provincial Policy Guidelines on Emergency Housing Assistance Approval:

Head of Department: Department of Human Settlements, Public Safety & Liaison

Human Settlements Branch

Signature: ________________________
Date: __________________________

Member of the Executive Council: Department of Human Settlements, Public Safety & Liaison

Signature: ________________________
Date: __________________________