



**dpwr**

---

**Department:**  
**Public Works and Roads**  
North West Provincial Government  
Republic of South Africa

**POLICY ON STATE HOUSING**

**POLICY TITLE : STATE HOUSING**

**DEPARTMENT : PUBLIC WORKS AND ROADS**

## TABLE OF CONTENTS

1. PREAMBLE
2. PURPOSE
3. LEGISLATIVE MANDATE
4. CATEGORIES OF STATE RESIDENTIAL ACCOMMODATION
  - 4.1 Official Residence
  - 4.2 State Housing
    - 4.2.1 Prestige State Housing
    - 4.2.2 Senior Management State Housing
    - 4.2.3 Redundant State Housing
5. ALLOCATION OF STATE RESIDENTIAL ACCOMMODATION
6. APPLICATION FOR STATE RESIDENTIAL ACCOMMODATION
7. GUIDELINES FOR ALLOCATION
8. RENTAL ADMINISTRATION AND LEASE AGREEMENTS
9. NOTICE TO VACATE
10. MAINTENANCE
  - 10.1 Categories of state houses fully maintained by the state.
  - 10.2 Maintenance of Redundant State Houses.
11. EFFECTIVE DATE

---

### NORTH WEST PROVINCE

## **DEPARTMENT OF PUBLIC WORKS AND ROADS**

### **POLICY ON STATE HOUSING**

#### **1. PREAMBLE**

The Department of Public Works and Roads as the custodian of all properties owned by the North West Provincial Government is entrusted with the proper management and administration of these properties. The Department is further entrusted with the responsibility of ensuring proper upkeep of the properties by maintenance, renovation and ensuring that the state receives revenue collected from the rental and usage of these properties.

The provision of benefits in respect of housing for work purposes is a personal matter and therefore Employees are responsible for providing their own housing. However, in the circumstances where certain work activities of the Department necessitate the provision thereof or where it is in the interest of the Employer to provide housing, the Department may, with due regard to the availability of funds, at an appropriate rental, provide state housing. The utilization of state housing in these circumstances is not a service benefit, but rather a work facility.

#### **2. PURPOSE**

To provide guidelines on the allocation, rental administration and maintenance of state residential accommodation under the auspices of the Department of Public Works and Roads.

#### **3. LEGISLATIVE MANDATE**

The following pieces of legislative prescripts are all imperative in the management of State Residential Accommodation:-

- The Constitution, Act 108 of 1996;
- North West Land Administration Act, No 4 of 2001, as amended;
- Public Finance Management Act, 1 of 1999;
- Treasury Regulations;
- The Government Immovable Asset Management Act No 19 of 2007;
- The Rental Housing Act 50 of 1999 as amended;
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998;
- Promotion of Administrative Justice Act 3 of 2000;
- Municipality by-laws;
- Consumer Protection Act 68 of 2008.

## **4. CATEGORIES OF STATE RESIDENTIAL ACCOMMODATION**

There are two categories of state residential accommodation namely:-

### **4.1 Official Residences**

#### **4.1.1. Institutional Accommodation**

These are institutional residences and flats situated within the immediate proximity of the place of work of certain Officials employed in the Public Service whose duties necessitate such accommodation from time to time. These include, but are not limited to, staff accommodation at health and educational institutions.

#### **4.1.2. Prestige State Housing**

These are residential houses made available for occupation by Political Office Bearers including the Premier, Members of the Executive Council and Members of the Provincial Legislature as determined by the relevant provisions of the Ministerial Handbook;

#### **4.1.3. Work facility accommodation**

These are state houses that are made available to non-Senior Managers in the Public Services below the level of Senior Manager, who are required by their conditions of service to occupy state housing;

### **4.2 State Housing**

These are residences owned by the state which may be made available for rental by Political Office Bearers, Senior Officials in the public service, general Public Servants and Members of the public. The following are various types of state housing:-

#### **4.2.1 Executive housing**

These are a pool of residential houses retained for scarce skilled Public Service Officials including residential houses to augment the changing needs for Prestigious Housing.

#### **4.2.2 Redundant State Housing**

These are state houses that have been earmarked for disposal and made available to other Officials in the Public Service employed as such by any Provincial Department and/or institution.

## **5. ALLOCATION OF STATE RESIDENTIAL ACCOMMODATION**

- 5.1 Allocation of state residential accommodation shall be made as provided for in this policy and shall be fair, transparent and open;
- 5.2 The guidelines of allocation contained herein shall apply, with the necessary changes, to all categories of state residential accommodation with the exception of prestige state housing.

## **6. APPLICATION FOR STATE RESIDENTIAL ACCOMMODATION**

- 6.1. All applications for state residential accommodation shall be made through official channels and recommended by the respective Accounting Officers. Each application shall be categorized in accordance with paragraph 4 of this policy.
- 6.2. Where an Official has an immovable property registered in his or his spouse's name and vice versa in the same area where an Official residence allocated to him/ is located, such an Official shall be expected to vacate an official residence.

## **7. GUIDELINES FOR ALLOCATION**

- 7.1 Allocation of state residential accommodation shall be made in accordance with the waiting lists compiled by the Allocation Committee of the Department of Public Works and Roads and shall be on *first come first served* basis;
- 7.2 There shall be two waiting lists, one for Senior Management housing and the other for Middle Management and other Officials and each shall be updated and allocated during the sitting of the Allocation Committee;
- 7.3 The Allocation Committee shall keep records of all its sittings and minute all deliberations and decisions taken at each sitting;
- 7.4 The Committee shall be convened by the Chief Director Facilities Management and shall consist of not less than four Officials of the Department as its Members, as per the Terms of Reference as approved by the MEC;
- 7.5 The Committee may set up sub-committees at District offices and any decisions by the regional sub-committees shall be submitted to the Allocation Committee for ratification;
- 7.6 The Members Inters Committee, convened by the Deputy Speaker of the Legislature, shall be responsible for allocation of houses to Members of the Provincial Legislature;
- 7.7 The Office of the Premier shall be responsible for allocation of state houses situated at the Embassy Complex, as well as ensuring that a Lease Agreement is entered into;
- 7.8 The Departments of Education, Community Safety and Transport Management and Health shall be responsible for allocation of institutional residences to their respective

## 8. RENTAL ADMINISTRATION AND LEASE AGREEMENTS

- 8.1 All Tenants of state residential accommodation shall be liable to pay rent as provided for in the Lease Agreement;
- 8.2 All Occupants shall enter into a written lease agreement with the Department which shall provide the terms and conditions of tenancy;
- 8.3 The Department, in conjunction with the respective provincial Departments, shall cause all rentals received from Officials employed in the Public Service to be deducted through a salary stop order facility activated in the PERSAL system;
- 8.4 The Department with Provincial Treasury will determine the period of review of rental in line with directives;
- 8.5 The rates for rental shall be levied as follows with effect from 1 April 2020.
- SMS members  
Monthly rental increase from R1576.00 to R2576.00 in 2020 and thereafter increases by R1000.00 per year in the next three years starting from the 2020 Financial Year;
  - Non - SMS Members  
Monthly rental increase from R900.00 to R1400.00 in 2020 and thereafter increases by R500.00 per year in the next three years starting from the 2020 Financial Year;
  - Non-standard housing (prefabricated housing) R900.00 (non SMS) and R1576.00 (SMS)
  - Non-standard housing (prefabricated single quarter or road camps)  
R900.00 (non SMS) and R1576.00 (SMS)
  - Tenants who signed an offer to purchase  
Will pay occupational rental equivalent to rental fees applicable at the time of signing an offer to purchase.
  - Non-Public Servants / Pensioners / Private tenants
    - Private tenants 1% of the Market Value
    - Pensioners R200.00 with signed deed of sale

- Pensioners R900.00 without signed deed of sale

## **9. NOTICE TO VACATE**

- 9.1 Tenants shall be given a one (1) months' notice if in breach of the lease agreement and expected to vacate the State Residential accommodation for the following reasons:-
- 9.1.1 Failure by the Tenant to meet rental obligations;
  - 9.1.2 Subletting the premises or transfer of tenancy to another person;
  - 9.1.4 Converting the leased premises into an income generating business.
  - 9.1.1 Termination of service (including death) in respect of the official Tenant – with no deed of sale signed;
- 9.2. Where a tenant has no deed of sale signed with the Department he/she shall be given a three (3) months' notice to vacate the State Residential accommodation on the following reasons:
- 9.2.1. Termination of service in respect of the official Tenant
  - 9.2.2. Death of Lessee
  - 9.2.3. Discharge in terms of section 17(1)(a) and (b) of the Public Service Act, 1994, as amended.
  - 9.2.4. Transfer of Lessee outside of residing magisterial area

## **10. MAINTENANCE**

Maintenance means all work on existing buildings undertaken to:-

- (a) prevent deterioration on failure
- (b) replace components of the building

Maintenance includes such repairs and upkeep as may be required to ensure that a dwelling is in a habitable condition.

### **10.1 The Department shall maintain the following categories of state houses:-**

- 10.1.1 Prestige state housing which includes official residences of the Premier, Members of the Executive Council and Members of the Legislature;
- 10.1.2 Executive housing;
- 10.1.3. Work facility accommodation; e.g. residential accommodation for scarce skills ect.



10.1.4 Institutional housing which includes road camps, flats and porta-camps with the exclusion of institutional housing where client Departments control the maintenance budgets;

**10.2 The Department shall only maintain redundant state (earmarked for disposal) houses under the following circumstances;**

10.2.1 Where the envisaged maintenance is as a result of an emergency (e.g. Burst geyser);

10.2.2 Where the defect may be life threatening to Tenants (e.g. falling ceilings);

10.2.3 Where further damage to a state house can be prevented (e.g. cutting of threatening trees).

**10.3 Department shall provide labour only and tenant will supply material under the following circumstances:-**

10.3.1. Preventative maintenance;

10.3.2. Upkeep of the residence e.g. painting, cracked floors,

## **11 POLICY PRICIPLES**

11.1 An Employee shall be liable for any levy, tax on services or other charges in respect of water, electricity, sanitation services, refusal removal, etc which is payable to the local authority concerned or other relevant institution;

11.2 A Tenant shall be liable and responsible for:-

11.2.1 Keeping the building and grounds clean and neat;

11.2.2 Maintaining the garden;

11.2.3 Replacement of consumable articles such as fluorescent lights, light bulbs, etc; and

11.2.4 Repairing of damage to the housing caused through his or her own fault including house brake.

11.2.5. Fumigation and pest control, against all rodents and insects

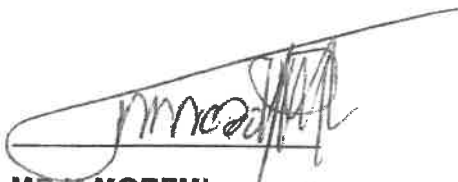
11.2.6. Household garbage and garden rubble removal if not included in the Municipal services

11.2.7 The Department of Public Works and Roads shall not be responsible for any loss of or damage to the personal possessions of an Employee allocated a state house.

- 11.2.8 Upon any maintenance as deemed fit by the Department, it is the obligation of the tenant to obtain alternative accommodation at his/her own expense, and will not be compensated by the Department
- 11.3 Both the Tenant and the Landlord must jointly, before the Tenant takes occupation of the dwelling, inspect the dwelling to ascertain the existence of any defects or damage therein with a view to determining the Landlord's responsibility for rectifying such defects or damage or with a view of registering such defects or damage.
- 11.4 At the expiration of the lease or vacating of the dwelling the Landlord and Tenant must arrange a joint inspection of the dwelling at a mutually convenient time to take place within a period of three days prior to such expiration with a view to ascertaining if there was any damage caused to the dwelling during the Tenant's occupation thereof. Failure by the Landlord to inspect the dwelling in the presence of the Tenant as contemplated afore is deemed to be an acknowledgement by the Landlord that the dwelling is in a good and proper state of repair, and the Landlord will have no further claim against the Tenant. Should the Tenant fail to respond to the Landlord's request for an inspection as contemplated afore the Landlord must, on expiration of the lease or vacating of the dwelling by the Tenant, inspect the dwelling within seven days from such expiration in order to assess any damages or which occurred during the tenancy.

**EFFECTIVE DATE**

This policy shall become effective from date of signature. The policy will be reviewed over the MTEF period.



**MR M MOREMI**

**ADMINISTRATOR**

**DEPARTMENT OF PUBLIC WORKS AND ROADS**

01/10/2020

**DATE**