



KWAZULU-NATAL PROVINCE

HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA

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Policy, Research & Product Development

REVISED POLICY DIRECTIVE ON THE LIMITATION OF ALLOCATION OF HOUSING PER UMUZI: RURAL SUBSIDY PROGRAMME (FORMERLY ONE HOUSE PER UMUZI)

(The following is an extract of the approved submission)

The Head of Department, KZN Human Settlements, approved the Revised Policy Directive on the Limitation of Allocation of Housing per Umuzi: Rural Subsidy Programme (Formerly One House per Umuzi) on 01 March 2021.

1. BACKGROUND

At the 2019 Disability Parliament it was resolved that the “Department review the “One home one house” policy in order to allow or accommodate a person with a disability to benefit in the event that an able bodied person has already benefited in that family”. The current policy directive does not give consideration to vulnerable groups like disabled and aged persons who have highlighted their vulnerability through platforms such as the Disability and Senior Citizens Parliaments.

The legislation and policies relating to housing are silent on the number of houses to be built per umuzi. In the context of this document, “umuzi” is interpreted as a homestead in rural areas, and in the context of rural subsidies, homesteads in Ingonyama Trust areas. The current provincial rural guidelines indicate a maximum number of one thousand units to be built per project area. In order to achieve this number more than one house per umuzi was built. Densification initiatives by developers, implementing agents, and/or project managers to achieve economies of scale, resulted in more than one house per umuzi being built. This resulted in an unequal distribution of resources in certain municipalities and/or traditional council areas.

There are also limited resources to cater for variety of housing needs and initiatives within the Province which include among others, Informal Settlements Upgrading.

Since rural housing delivery processes resulted in a concentration of subsidies in some areas due to delivering more than one house per umuzi to achieve numbers. The Department issued a policy directive in May 2009 limiting the allocation of only one house per umuzi to ensure a fair distribution of rural subsidies.

Currently, the Department is building a maximum number of five hundred (500) units on a phased basis per project area.

2. POLICY DIRECTIVE

- 2.1 The definition of “*Disabled Person*” in the context of this directive is as defined by the National Department Human Settlements, Housing Definitions document “as a person possessing physical or mental conditions that incapacitates them, making it difficult or impossible to earn a living through gainful employment”.
- 2.2 The definition of “Aged” in the context of this directive is as defined in the Older Persons Act 13 of 2006 “as a person who, in the case of a male, is 65 years of age or older and in the case of a female, is 60 years of age or older”.
- 2.3 This directive addresses the implementation of housing per umuzi in rural (informal land rights) projects taking into consideration the prioritization of the aged and disabled beneficiary. These groups are considered to be extremely vulnerable and in most cases unable to independently provide for their housing needs.
- 2.4 The limitation of the allocation of housing per per umuzi aims to ensure a fair distribution of rural subsidies within the different geographic areas of the Province however still prioritizing persons from the aged and disabled vulnerable groups.
- 2.5 Beneficiaries in all rural areas are afforded the opportunity to access housing on a progressive basis for example, qualifying siblings or other vulnerable beneficiaries within an umuzi may be accommodated in future phases of housing delivery in the area. This is in line with the progressive right to housing, as stated in the Bill of Rights (Section 26 of the Constitution).
- 2.6 **The limitation of the allocation of housing should be implemented as follows:**
 - 2.6.1 The person who holds the uncontested right in the form of a certificate of occupation in respect of the allocated site upon which the umuzi is situated, must be the only person to be considered for a housing subsidy where there are no disabled or aged beneficiaries. The said person must meet all the qualification criteria for a housing subsidy.

2.6.2 In instances where there is a disabled and/or an aged person in a household who is the holder of the PTO or where a member of his/her household is aged and/or disabled, the following scenarios may be applicable:

- a) The household must be granted priority as the first beneficiary to be allocated a housing subsidy in the umuzi. The disabled person must produce a medical certificate from a registered health practitioner indicating the nature of disability. On this basis, the principle of one house per umuzi still applies to ensure a greater spread of subsidies. Other qualifying households within the umuzi may be accommodated in future phases of housing delivery in the area.
- b) In an effort to address the needs of vulnerable groups, where there is more than one household with disabled and/or aged persons in an umuzi then more than one house per umuzi may be built but not exceeding 2 houses per umuzi. In this instance, the principle of one house per umuzi can be suspended and more than one house per umuzi may be built to accommodate the disabled and/or aged persons. The limitation will prevent a concentration of subsidies in some areas due to delivering too many houses in one umuzi whilst disadvantaging others.

2.6.3 The allocation of a house should be based on the prioritization of needs, as agreed with the traditional leadership and holder of the informal right, as registered in the certificate of occupation with the Department of Corporate Governance and Traditional Affairs. The remaining qualifying individuals including other aged and disabled persons would be considered in future projects on a progressive basis.

2.6.4 In instances where there are polygamous unions, the head of the household may apply for as many subsidies as the number of wives that he has, in terms of the Department's policy on polygamous unions. However, beneficiaries need to be cautioned that should the polygamous union dissolve, the subsidy will have to be refunded to the Department, by the individual, unless it is allocated to another qualifying beneficiary (such as qualifying siblings of such union). It is therefore recommended that the principle of only one house per umuzi still be applied to ensure a greater spread of subsidies. In this case the holder of the certificate of occupation may elect for the subsidy to be awarded to one of his/her spouses, and/or qualifying siblings of a polygamous union, should they qualify.

2.6.5 In the event that the holder of the right and/or the spouse/s passes on, the law of succession shall apply in terms of:

- a) Last will and testament

- b) If there is no will, then marital arrangements in the case of surviving spouse (customary or civil, whichever applies),
- c) If both parents have passed on, the rights of siblings are to be determined in terms of customary law or court order where there is a dispute.

2.6.6 The beneficiaries must meet all other qualifying criteria for the housing subsidy.