



KZN Human Settlements

uMnyango wezokuhlaliswa komphakathi
ISIFUNDAZWE SAKWAZULU-NATALI

HOUSING POLICY FOR THE AGED AND DISABLED

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DEFINITIONS

“Disabled Person”: The National Department Housing, Housing Definitions defines Disabled Persons as a person possessing physical or mental conditions that incapacitates them, making it difficult or impossible to earn a living through gainful employment.

“Vulnerable groups”: The South African Human Rights Commission, Labour Protocol defines/categorises Vulnerable groups as children, children with disabilities, women, older persons, historically disadvantaged racial groups and persons with disabilities, homeless persons and persons living in rural areas.

“Variation Manual and Calculator”: Refers to the National Department of Human Settlements; Policy and Implementation Manual on the Adjustment of the Subsidy Amount to Cater for Extraordinary Development Conditions and the Required Precautionary Measures.

“Aged”: The Older persons Act 13 of 2006 defines the Aged/Older person 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.



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ISIFUNDAZWE SAKWAZULU-NATALI

203 Church Street, Room No: 1.3, 1st Floor, Old Mutual Building, Tel: +27 33 392 6479,
Fax: +27 33 392 6476, E-mail: sunil.ranjeeth@kznhousing.gov.za, Web: www.kznhousing.gov.za

1. PROBLEM STATEMENT

The aged and disabled persons have been a low priority for policy makers and service providers for a very long time and as such their special housing needs are not adequately catered for in our society. This has been a result of non availability of approved guidelines or policy document to guide and facilitate the process of ensuring their involvement and empowerment in housing programmes. These groups of people are also the most vulnerable in our society and as such, their rights need to be addressed and protected accordingly, especially with regard to housing.

2. POLICY INTENT

The purpose of this policy is to provide a mechanism which will promote and ensure the empowerment and involvement of the aged and disabled persons in the housing process through full participation. It also aims to promote practical and suitable accommodation for the aged and disabled persons in terms of access to basic services and reasonable adaptations to their physical environment.

3. BACKGROUND

South Africa has taken a very strong approach in ensuring that the country becomes a home for all who reside in it, but there are still changes in the process and there is a lot that needs to be done to ensure representativity in all groups at all levels, especially in the housing sector.

The KwaZulu-Natal Department of Human Settlements has been using the Transitional Housing Policy in housing related matters that affects the aged and disabled. This exercise has been a huge challenge in that this policy covers a very large scope and does not specifically cater for the aged and disabled in particular. Numerous debates and workshops have been held in order for the department to reach consensus on how the aged and disabled could be assisted. It was then agreed that they should be given preference with regard to housing and provision of social amenities. It was also emphasised that they should be empowered and not just be considered as beneficiaries only. As a result, the KwaZulu-

Natal Department of Human Settlements has initiated a process of preparing a policy document that will distinctively deal with issues affecting the aged and disabled and to enhance their participation in housing related programmes.

The Aged and Disabled are considered as an indigent group in South Africa and therefore special provisions exist and are applicable to them in respect of housing.

a) Qualifying criteria:

- The applicant must be a citizen of the Republic of South Africa or be in the possession of a permanent resident permit.
- The applicant must be legally competent to contract and of sound mind
- The disabled applicant, whether single married or co-habiting or single with financial dependents may apply for a housing subsidy whilst the aged applicant who is single without financial dependents may apply for subsidisation.
- Applicants who earn below R1500 per month, the disabled, health stricken and the aged are not compelled to pay a financial contribution when they qualify for a housing subsidy scheme

b) Additional allowance in terms of Variation Calculator:

In addition to the above mentioned criteria a disabled person may also qualify for a variation on the awarded housing subsidy. The variation of the subsidy amount is utilised for the improvements on housing units which have been awarded to disabled persons. Provisions which allow such variations are contained in the National Department of Human Settlements, Variation Manual and Calculator (refer to 6.2).

4. OBJECTIVES OF THE POLICY

4.1 To provide a framework for the cooperation between the key stakeholders in the housing industry, regarding participation and involvement of the aged and disabled.

4.2 To promote the provision of skills training and empowerment programmes for sustainability and improvement of the quality of lives of the aged and disabled.

4.3 To promote practical and suitable housing accommodation for the aged and disabled in terms of access to basic services and reasonable adaptations to their physical environment.

4.4 To ensure that the disabled get preferential treatment in the procurement processes to close the economic gap that exists in our societies.

5. LEGAL FRAMEWORK

The Policy is informed by the following Legislation:

5.1 Section 26 of the Constitution of the Republic of South Africa of 1996:

- (1) Everyone has the right to have access to adequate housing
- (2) The State must take reasonable legislative and other measures , within its available resources to achieve the progressive realisation of this right.
- (3) No one maybe evicted from their home or have their home demolished without an order of court made after considering all the relevant circumstances. No legislation may permit any arbitrary evictions.

5.2 Section 9 of the Constitution of the Republic of South Africa of 1996:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

5.3 The Older Persons Act 13 of 2006, Republic of South Africa:

5.3.1 Objective of the Act is:

- To maintain and promote the status and well being safety and security of older persons, maintain and protect the rights of older persons.
- Shift the emphasis from institutional care to community based care in order to ensure that an older person remains in his or her home within the community for as long as possible.
- To regulate the registration, establishment and management of residential facilities of older persons and combat the abuse of older persons.

5.3.2 Chapter Two of the Act confers the right to:

- Participate in community life in any position appropriate to his or her interests and capabilities and participate in intergenerational programmes.
- Establish and participate in activities that enhance his or her income generating capacity. To live in an environment catering for his or her changing capacities and access opportunities that promote his or her optimal level of social, physical and mental and emotional well being.

5.4 National Housing Act 107 of 1997, Republic of South Africa:

The purpose of the Act is to provide for the facilitation of a sustainable housing process and thus outlines the general principles applicable to housing development in all spheres of government. This Act defines the functions of national, provincial and local governments in respect of housing development and further makes provision for the establishment of a South African Housing Development Board.

5.5 United Nations: Madrid International Plan of Action on Ageing, 2002:

5.5.1 Objectives

- To ensure the full enjoyment of all human rights and fundamental freedoms by promoting the implementation of human rights instruments particularly in combating all forms of discrimination and acknowledge encourage and support the contribution of older persons to families, communities and the economy.
- To provide opportunities, programmes and support to encourage older persons to participate or continue to participate in cultural, economic, political, social life and lifelong learning.
- To promote civic and cultural participation as strategies to combat social isolation and support empowerment.
- To enable interventions and environments supportive of all older persons which are essential to promote independence and empower older persons with disabilities to participate fully in all aspects of society. The ageing of persons with cognitive disabilities is a factor that should be considered in planning and decision making processes.
- It is recognised that good housing can promote good health and well being. It is important that older persons are provided where possible with an adequate choice of where they live a factor that needs to be built into policies and programmes.
- Encourage age-friendly and accessible housing design and ensure easy access to public building and spaces.

6. POLICY GUIDELINES AND PRINCIPLES

The needs of the aged and disabled should be encompassed by the following aspects; however these aspects are not exhaustive:

6.1 Institutionalized Care:

The KwaZulu-Natal Department of Human Settlements has a Transitional Housing Policy in place which can be used to provide accommodation for a variety of groups including the aged and disabled. The policy can also be used for the establishment of institutionalized care facilities for the disabled and the aged. These institutionalized care facilities should be used for a minimum period of five years. A recommendation would be that such institutionalized care caters for these vulnerable groups usually with 24 hour nursing support care made available to those who are frail and in need of such a support system.

6.2 Special Adaptations:

Municipalities, Institutions and/or other entities involved in the provision of care and shelter must consider the specialised aids which are required by an individual disabled person and the necessary adaptations which should be effected to accommodate that need in a housing unit and should not be restricted to wheelchair bound or walking aid facilities.

Disabled beneficiaries receive special additions to their housing units which enable them to live independently within residential areas. These additions have been custom made to accommodate their range of special housing needs. Such special additions to houses includes ramps to facilitate access to houses, special hand and grab rails in bathrooms, kick plates to doors, visible doorbells, lever action taps, special access arrangements to toilets. These are subject to the calculation of the additional subsidy which would be made available in terms of the variation calculator and is guided by the National Department of Human Settlements Variation Manual which is adjusted annually.

6.3 Procurement:

The Department of Human Settlements, Supply Chain Management Component should establish a procurement policy and determine the percentages of projects and programmes that should be allocated to various classes of persons; thereby eliminating the possibility of prejudice to any particular category of persons and jointly all groups would therefore benefit under such a procurement policy. This procurement policy should be

consistent with the subsidy application criteria as stipulated in Chapter 3 of the National Housing Code.

6.4 Project Packaging:

The Department of Human Settlement, KwaZulu-Natal, Project Management Component should supervise the following roles of the Municipality, Institutions and/or other entities involved in the provision of care and shelter:

6.4.1 Allocations

The Department will adjust its allocation formula to provide for the aged and disabled. The Municipality, Institutions and/or other entities involved in the provision of care and shelter should ensure that based on the needs per project, preference must be given to the aged and disabled when allocating units to qualifying beneficiaries. Municipalities, Institutions and/or other entities involved in the provision of care and shelter must ensure that this criteria is applied to all projects at the outset as this would eliminate any prejudice to these category of persons. Social Housing Institutions as well as Municipalities and KwaZulu-Natal Department of Human Settlements should as part of their community residential programmes ensure that priority is given to the aged and disabled persons for these available rental units. Furthermore they should set aside ground level rental units in multi storey buildings for the aged and disabled.

6.4.2 Community participation

Municipalities, Institutions and/or other entities involved in the provision of care and shelter should provide that their integrated development plans cater for aged and disabled by ensuring that all projects that affect a certain community should require such community members to participate in programmes at various stages of development. Community participation would assist in empowering communities and provide them with skills which can be used during participation of the undertaken programmes as well as in their daily activities in life. Community Outreach Programmes need to be created to advise communities of the development in their communities and their required involvement in such programmes and projects, the community participation should include the aged and disabled.

6.4.3 Location and Integration:

Municipalities, Institutions and/or other entities involved in the provision of care and shelter should ensure that disabled and aged beneficiaries are allocated houses which are within reach of social and economic amenities as

well as transport routes. Structuring of households for the aged and disabled should be given special attention to detail and location. Most aged and disabled persons require regular medical assistances and access to social amenities. Units allocated to aged and disabled should be located closer to these amenities as this also facilitates integration of these vulnerable groups into communities whilst also providing social support.

6.5 Contracting

The Department should promote self-employment initiatives for disabled persons where possible by encouraging the development of small enterprises and empowering such small enterprises which also include enterprises that employ disabled staff. The Municipality Housing Managers should identify such projects each financial year and contracts arising out of such projects should be equally distributed to existing and emerging contractors. A three-way contract should be entered into by the department, established contractor and a disabled contractor or group.

The contract should include percentages to be shared by each member and tasks allocated to each member involved. This process would balance out the roles of each member and at the same time enable the emerging contractor to be guided through the process. Thus such disabled persons would be empowered with the required knowledge and skills.

6.6 Internal Database:

The Department of Human Settlements, Supply Chain Management Component should ensure that possible disabled service providers are made aware of accreditation forms and the process to be followed in order to be listed as an accredited service provider. A database should then be created enlisting such service providers and then ensure that such persons are utilised in programmes as service providers.

It would be necessary to update the database on a regular basis thereby preventing a single disabled service provider being utilised on a regular basis and the establishing of a rotation register whereby each disabled service provider would get an opportunity to assist the Department.

6.7 Bursaries, Internships and Employment:

The Department's Human Resource Management Component should firstly identify areas within the Department where disabled persons can either be employed or offered internships. These positions must be circulated internally and externally. Once applications are received this component should then identify the number of disabled persons who have applied for the position and determine if they meet the criteria as advertised and the possibility of interviewing these candidates.

This component should ensure that when staff members or individuals make their annual application for bursaries a percentage of such bursary allocations should be awarded to disabled candidates provided that they meet the specific criteria.

6.8 Stakeholder Management:

Currently there is no specific component within the Department which specifically deals with the advancement of the aged and disabled person's rights. Resources should be allocated in order to deal with these particular stakeholder groups. These vulnerable groups should be targeted by hosting workshops and seminars in order to create awareness about programmes that the department has designed for these persons and to further determine what are the needs and requirements of these groups.

6.9 Accessibility:

The Department's Asset Management component should ensure that all buildings occupied by the Department are disability friendly in terms of infrastructure. All buildings should be assessed and from there it should be determined which essential modifications should be made in order for disabled and aged persons to easily access the buildings. Where buildings are rented or on lease negotiations should be made with the owner in order to make the necessary modifications.

7. MONITORING AND EVALUATION:

The Department's Monitoring and Evaluation Component in collaboration with the Product Development Component will undertake the monitoring and evaluation of this policy. This procedure will ensure that the policy is being correctly implemented and will also identify any issues which may arise and need to be addressed. The monitoring and evaluation process will be conducted on an annual basis.

8. FINAL POLICY RECOMMENDATIONS:

8.1 The Product Development Component must monitor the implementation of the aged and disabled policy.

8.2 The Supply Chain Management Component must encourage disabled persons to register on the service providers database.

8.3 The Project Management Component should assess the packaging of housing projects and ensure that the aged and disabled persons are adequately catered for in such projects.

8.4 The Human Resource Management Component must identify vacant positions within the Department and preference should be given to suitably qualified disabled persons.

8.5 The Human Resource Management Component should also offer internships and bursaries to disabled persons who meet the qualification criteria as determined by the respective policies.