

Policy Communiqué

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SHORT TERM ACCOMMODATION POLICY

The Kwazulu-Natal province has been using temporary accommodation in line with the National Housing Code's Emergency Housing Programme (EHP) as an alternative to accommodate affected communities based on their unique circumstances. These include those affected by disasters, removed as part of the re-blocking of informal settlements, decanting of hostels in the redevelopment process, rectification projects as well as those in areas targeted for greater development projects such as malls, stadiums, etcetera before providing them with a permanent solution. Short-Term Accommodation was created in terms of the 2009 Housing Code's EHP, as a facility for people who had to be moved from different areas for a variety of reasons.

Some Municipalities in KZN have provided short-term accommodation to address the decanting of hostels or re-blocking of informal settlements and rectification. Municipalities utilize various forms of material and structure for the provision of short-term accommodation. Furthermore, residents find themselves living there for indefinite periods of time faced with unhealthy crowded conditions.

In view of the above, the KwaZulu-Natal Department of Human Settlements has developed the Short-Term Accommodation Policy to guide the assessment of identified cases to understand the situation and determine the appropriate redress. The policy was approved by the former MEC for implementation with effect from 8 August 2022. The main aim of the Policy is to formalize the manner in which the Department of Human Settlements deals with temporary housing structures to ensure that it benefits those affected persons who are not in the position to address their housing emergency from their own resources. Moreover, provide remedial actions to be applied when these structures are built to prevent vulnerable communities from living in them for extended periods of time.

1. KEY CONSIDERATIONS PRIOR TO THE OPTION OF SHORT-TERM ACCOMMODATION

The following need to be considered by Municipalities/Department as permanent solutions before the option of the establishment of short-term accommodation is chosen:

- 1.1 In the course of the planning processes, the municipality must use its reasonable endeavours to present the beneficiaries with alternative accommodation options for more permanent housing, such as, but not limited to, Breaking New Ground (BNG) low-income houses, affordable rental or social housing options. This will be based on the understanding that beneficiaries must comply with the relevant applicable criteria.
- 1.2 In this effort Social Housing Institutions should be consulted to determine if there are vacant units that may be available to accommodate qualifying households or individuals who are willing to agree to such an option. The lease arrangements for these beneficiaries will have to comply with the criteria applicable to the project.

- 1.3 The Municipality shall also take reasonable steps to provide beneficiaries with information on other formal rental opportunities in the vicinity and will provide the necessary social facilitation to enable the process.
- 1.4 Illegal foreigners and /or prohibited persons as defined by the Immigration Act 13 of 2002 must be addressed in consultation with the Department of Home Affairs.

2. APPLICATION OF THE POLICY

In view of the Department's stance on short-term accommodation, the policy is only applicable to the establishment of short-term accommodation in KwaZulu-Natal in the following circumstances as an option of last resort:

- a) Emergency housing situations
- b) Rectification projects
- c) Re-blocking of informal settlements
- d) Community Residential Unit/hostel upgrades

The document guides the assessment of identified cases to understand the situation and determine the appropriate redress. When short-term accommodation is planned, a report must be provided to the MEC motivating its necessity accompanied by a proposed relocation plan projecting timeframes for the occupancy.

3. ALTERNATE OPTIONS FOR SHORT-TERM ACCOMMODATION

Before the development of short-term accommodation, the following options must be explored as immediate solutions:

- 3.1 Social Housing Institutions should be consulted to determine if there are vacant units that may be available to accommodate victims of emergency situations on a temporary basis. The available units and the applicable rental should be used to accommodate those who are in a financial position and willing to be accommodated for the period required to address their permanent housing solution i.e., repair of their existing structure or replacement thereof. The use of social housing units should in no way compromise the sustainability and effective operation of the project. The beneficiary qualification criteria may be waived in view of the emergency situation however, income levels for the social housing programme must still apply to ensure affordability by the tenant.
- 3.2 Indigent or low-income households may be accommodated in homeless shelters managed by welfare organisations or non-governmental organisations through negotiation by the Department to enable short term accommodation for vulnerable persons or households.

4. ESTABLISHMENT OF SHORT-TERM ACCOMMODATION

Temporary shelters can be provided in terms of the Emergency Housing Programme and will apply to emergency situations of exceptional housing need. The Municipality identifies and issues the list of the affected beneficiaries with the assistance from the ward committees. Other cases are received from the office of the MEC and other reliable/recognized social media. These temporary shelters may be established as defined below:

- a) Relocation for development e.g., those in the way of services/infrastructure construction;
- b) Decanting of informal settlements or CRU upgrading;
- c) Where homes are demolished or threatened with imminent demolition, or situations where proactive steps ought to be taken to forestall such consequences;
- Displaced or threatened with imminent displacement as a result of a state of civil conflict or unrest, or situations where pro-active steps ought to be taken to forestall such consequences;
- e) Live in conditions that pose immediate threats to life, health and safety and require emergency assistance:
- f) 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 devastating fires or floods, etc.
- g) Rectification when houses are being repaired or demolished and reconstructed.

5. CONSTRUCTION OF TEMPORARY STRUCTURES FOR SHORT TERM ACCOMMODATION

Temporary structures may be built in terms of the specification as provided in the Emergency Housing Programme as contained in the National Housing Code, 2009.

- Temporary shelters should be basic, simple in form and easy to construct.
- b) They should be appropriate for the specific environment and as far as possible be acceptable to beneficiaries.
- c) The preferred option for the provision of shelter is the supply of prefabricated units, which could after being used, be dismantled, and stored for re-use.
- d) The general product requirements below will serve as a guide, and municipalities and the Department will be allowed discretion regarding the size, materials and design of shelters on condition that minimum technical specifications are adhered to.
- e) Once completed, the temporary residential units/structures should be handed over for occupation to the identified beneficiary who must acknowledge allocation thereof by completing the "Acknowledgement of Allocation of a Temporary Residential Unit / Structure" form attached as **Annexure 1**.
- f) Tented structures may not be provided under this Programme.

6. TIME SPAN FOR SHORT-TERM ACCOMMODATION IN COMPLIANCE WITH RESPECTIVE HOUSING PROGRAMMES

TYPE OF TEMPORARY ACCOMMODATION	MAXIMUM TERM OF OCCUPANCY	
TEMPORARY ACCOMMODATION PROJECT		
NON-LINKED (Emergency)		
When an occurrence of a disaster occurred, and people were put in temporary accommodation and there is no project in place or any land parcels due to land scarcity.	3-5 years	
EXISTING HOUSE (Emergency)		
Where a disaster occurred resulting in an event where beneficiaries that are living in formal houses e.g., R293 town, being placed in temporary accommodation until the damaged house is reconstructed/repaired.	6 Months	
RECTIFICATION PROGRAMME		
When a project is approved by the MEC for rectification, a household is permitted for occupation of the temporary structure to allow for	3 Months (repair)	
the repair or demolition and reconstruction of the house.	6 Months (reconstruction)	
TEMPORARY ACCOMMODATION LINKED TO RELOCATION OF INFORMAL SETTLEMENTS		
Where there has been a project in place in both planning and construction stages waiting to relocate beneficiaries after the project is complete.	a) 18 Months	
b) When land parcels for which pre-feasibility assessment and circulation to line departments has been done.	b) 2-3 Years	
TEMPORARY ACCOMMODATION FOR		
CRU/HOSTEL UPGRADE		
When hostels are decanted to construct new Greenfields or refurbishing existing structures in terms of the CRU Programme.	9 Months	

Should the above terms of occupancy be exceeded, a report must be provided to the MEC indicating reasons thereof and the required extension of occupancy.

NB. Where there are factors that are beyond the control of the Municipality/ developer/ IA which results in the inability to adhere to the prescribed timeframes, the affected parties must be timeously consulted providing reasons and advising steps that could be taken to address the issues. There shall be no wilful creation of a situation that will render it impossible for the Department to comply with the time frames reflected in the table above.

7. MANAGEMENT OF SHORT-TERM ACCOMMODATION

Once established the Human Settlement Component of the relevant Municipality will undertake day-to-day management of the short-term accommodation. They will be responsible for the following:

- a) Profiling of the households living in the short term accommodation;
- b) Create, compile, and maintain a register/ database for all the beneficiaries with all the relevant information e.g., ID numbers, number of beneficiaries residing with a household, status of work, etc.
- c) provision of basic municipal services such as water, sanitation, refuse removal and other municipal services;
- d) Monitoring of the use of the structures every 3 months to ensure that that they are used for what they are intended, and verify the occupants in terms of the database, and;
- e) Keep the database of all affected persons who have been accommodated in short-term accommodation, for the purposes of:
 - Detection of trends
 - Good governance
 - Monitoring and reporting
- f) In the case of rectification projects, the IA must maintain a register of all affected beneficiaries on site to assist with monitoring by the regional offices as and when required.

This procedure must be undertaken until such time residents are provided with permanent solutions.

8. DISMANTLING OF TEMPORARY STRUCTURES USED FOR SHORT-TERM ACCOMMODATION

- a) The Municipality will be responsible for dismantling the short-term accommodation structures after the occupants have been relocated;
- b) The municipality may leave the slab to be used for future unforeseen circumstances;
- c) Where the material is not in the condition to be reused it must be disposed in terms of health and safety regulations;
- d) The Municipality must ensure that they have secure storage space to safely store the dismantled units to enable reassembly of the material when required;
- e) The municipality must dismantle, store and compile an inventory of all items stored;

- f) Should the short-term accommodation sites be used for decanting of informal settlements during the upgrading of informal settlement programme, structures may be used on a rotational basis. However, should there be no occupancy over a period of time, security must be provided to prevent illegal occupation of the structures;
- g) In projects where an IA is appointed by the Provincial Department to undertake rectification work, the IA will be responsible for the dismantling of the structures which must then be handed over to the municipality for storage and re-use when required.

9. LOGISTICS OF RELOCATION

- a) In cases of relocation there must be agreement by the community;
- b) A relocation strategy should be developed in collaboration with the community;
- Relocation must be in terms of an approved Integrated Development Plan (IDP) and Housing Sector Plan (HSP);
- d) Where a project is complete and applications for houses are successful, the municipality may assist the affected persons with transportation to the location of the new house. This may be funded through the relevant subsidy quantum provided in the Upgrading of Informal Settlements Programme (UISP);
- e) Where necessary, a reasonable timetable for the relocation should be made available to the affected persons;
- f) There must be prioritisation of vulnerable groups during the process of relocation. Priority must be given to the following vulnerable groups:
 - Disabled
 - Aged (60+)
 - Health stricken
 - Women
 - Child-headed households (with intervention by the Department of Social Development).



REVISED KWAZULU-NATAL PROJECT PROCESS

The KZN Project Process Documents have been developed to outline the project process adopted by the Province and forms the basis of standard operating procedures for implementers. The Project Process was developed in 2011 and approved by the MEC in April 2012. A revision in respect of the Stage 1 process was undertaken in 2014 to address policy gaps that arose due to policy changes and procedures in the planning process. In 2022, due to policy gaps identified in respect of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) and administrative changes, the processes had to be revised and accurately aligned. This has resulted in the current version to ensure that the documents are updated for compliance. The Revised KwaZulu-Natal Project Process was approved by the former MEC on 12 July 2022.

The documents consist of the following:

- 1) Project Process table detailing the required tasks related to the relevant role-player responsible (INCLUDED BELOW);
- 2) Project Process Flow diagram (Access on website);
- 3) Process Checklists (Access on website), and;
- 4) Typical Project Timeframe (Access on website).

1.	STAGE 1		
No.	Task	Notes	Responsibility
1.1	MEC Receives Provincial Housing Subsidy Allocation from National.	MEC receives Provincial Housing Subsidy allocation from the National Department of Housing according to the housing needs / projects identified in the Municipal Integrated Development Plan. Allocation of funds according to different programmes.	NDoHS / MEC / Provincial Department of Human Settlements / Municipalities.
1.2	Municipalities apply for reservation of project funding i.t.o SDF / Housing Sector Plan/ Council Resolution/ approved IDP and agreed priorities.	Municipalities apply for reservation of project funding in terms of Spatial Development framework / Housing Sector plan/Council Resolution/ approved IDP and agreed project priorities.	Developer/ Municipality /PDoHS.
1.3	Province/Municipality calls for land availability proposals where required.	Province/Municipality calls for land availability proposals where required.	PDoHS/ Municipality/ Developer Landowners /HAD.
1.4	Adjudication of land proposals in relation to IDP's and selection of priority land.	Adjudication / consideration of land proposals in relation to IDP's and selection of priority land.	Developer/ Municipality/ PDoHS
1.5	Development Strategy Procurement of Professionals/ Appoint core team/ Traditional Preplanned or Development Contract.	Procurement method: pre-planned project Only the town planning part of the project is done. Development project —Only the development part of the project is done. A Municipality will normally appoint a project team to assist with the delivery of housing programmes. The choice of a project team is crucial and could affect the timely completion of the project and quality of the product. Hence, it is suggested that careful consideration be given to the appointment of the said project team. Factors like local knowledge, capacity, experience, and track records are of utmost importance.	Developer / Municipality/ PDoHS.

No.	Task	Notes	Responsibility
1.6	assessment: Planning, Land Audit, EIA, Bulks, Social. Geotech prepares project description and compiles acquisition agreements.	Developer undertakes prefeasibility assessment, prepares project descriptions and compiles acquisition agreements / Land Availability Agreement where applicable. The provision of bulk services must be prioritized within the District Municipality for the project. The Municipality secures the land.	Developer / Municipality/ IP/ PDoHS.
1.7	Finalise Acquisition of Land.	A Municipality finalises the acquisition of the Land in respect of agreements etc.	PDoHS/ Municipality.
1.8	Submission of project application.	Implementing agent / supporting organization prepare and submit project application to MEC via Regional /District Office. Ensure all required supporting documents are included.	PDoHS / IP.
1.9	Assessment by Integrated Planning.	In the Property of the Control of th	Implementing agent / supporting organization /PDoHS/ IP.
1.10	Evaluation of project application & submission to MEC via DoHS Evaluation Committee.	application and if compliant with policy prescripts	PDoHS Project Management/ Contracts/ Planning & IP PDoHS/Evaluation Committee.
1.11	Project application approval: Stage 1 funding.	Project application is recommended by PDoHS Evaluation Committee, approved by MEC.	Evaluation Committee / MEC.
1.12	Record of project decision.	PDoHS records project on HSS and inform municipality of decision.	PDoHS/Municipality/IA.
1.13	Project Agreement stage 1 Funding.	Project Agreement concluded	PDoHS/Municipality/IA
1.14	Appointment of Service provider to undertake detailed planning.	The PDoHS appoints a Service Provider to undertake detailed planning.	PDoHS /MEC.
1.15	Payment of subsidies i.t.o milestone achieved.	Payment of subsidies commences in accordance with milestones achieved within Stage 1.	PDoHS /IA/ Municipality.
1.16	Project & Contractor enrolment with NHBRC & CIDB		NHBRC /CIDB/ Developer / Contractors.
1.17	NHBRC project enrollment.	NHBRC issues a Project Enrolment Certificate	NHBRC / Developer.
1.18	Stage 1 - Close -out	*To be done in terms of the KZN revised procedure	for closing out projects
1.19	Hand over.	The project is handed over to project Monitors.	PDoHS /IP/Project Management.

<u> </u>	STAGE 2 FEASIBILITY PROCESS		
2.1	Submission of stage 2 application pack.	Project application is recommended by PDoHS, assessment committee for recommendation to MEC.	TEC /MEC.
2.2	Confirmation of land acquisition.	Confirmation of Memorandums of Understanding, SLA/ DRA/ undertakings/contracts are concluded	Developer/Municipality.
2.3	Land claims (where applicable).	Ensure that land claimants/graves are accommodated in the project and that any conditions of the agreements have been complied with.	MEC/Municipality/Developer/ Community NGO's CBO's / contractors.
.4	Socio-survey.	Beneficiary profile, existing top-structure information, landownership details, economic & social facilities, community needs etc. are established.	Municipality/IA.
2.5	Preliminary town planning layout/settlement plan layout and report.	Drawings of prelim town plan layout, township establishment route, zoning as well as comments on relevant planning issues, community & economic facilities, etc. A Settlement plan with GPS coordinates/ survey certificates. Municipality to provide planning approvals in terms of SPLUMA.	Town planner/IA/Municipality.
.6	Preliminary engineering design and costs/Bulk Services/Service level Agreement.	with other Key service departments to determine level	Municipality/developer/IA/ Civil Engineer/ District /Local Municipality.
.7	Geotechnical Report/Location Allowance.		Municipal /Geotechnical Engineer.
8	Environmental Impact Assessment		DEA/ environmental practitioner.
2.9	Social facilitation.		PDoHS/ Municipality/ IA / professional team.
2.10	NHBRC home enrollment for Rural Projects.		NHBRC / Developer/PDoHS.
2.11	EPWP labor intensive /construction compliance.	EPWP reporting/brandings/designs.	EPWP unit/ IA.

3.	STAGE 2 IMPLEMENTATION:			
3.1	Settlement plan, Layout & township planning.	Town planner, Urban designer & engineer undertakes the layout of the township settlement plan/survey certificate subdivision in consultation with the environmental consultant. Town Planner prepares and submits an application to the relevant authority/tribunal.	Designer / Engineer.	
3.2	Planning & development approval.	Authority / Tribunal to whom the application was submitted, approves the application, layout and conditions of establishment / conditions of approval. Appeals to COGTA MEC.	Municipality / Tribunal /IA COGTA MEC.	
3.3	Approval of General Plan.	Calculate approved layout and obtain approved general plan/Subdivision plan approved by Surveyor General.	Surveyor/IA.	
3.4	Project Application approval: Stage 2.	Project application is recommended by Evaluation Committee, approved by MEC. Project contract signed.	Evaluation Committee/ MEC/ DoHS/ Municipality/IA PDoHS.	
3.5	Payment of subsidies.	Payment of subsidies commences in accordance with milestones achieved within Stage2.	PDoHS/Municipality/IA's.	
3.6	Engineering services design.	The civil / electrical / traffic engineers will use the services agreement and approved layout plan for preliminary engineering services design and the approved general plan as well as the town planning layout to finalise the design of the services for the development. The designs must be approved by the Municipality.	Civil / Electrical / Traffic Engineers Municipality/TEC.	
3.7	Bulk earthworks, install services, handover of services, site supervision.	Prior to the commencement of any construction related activity the following documentation must be available. These can include, but not limited to approved land use rights, a positive geo-technical report, a positive Record of Decision (EIA) and an approved occupational health and safety plan. The necessary earthworks are conducted, and services installed under the supervision of a site engineer. EPWP labor intensive trainees used for services installation. On completion of and after testing the services installed and constructed, the hand-over of services to the relevant municipality will take place.	Engineers / Contractors / Municipality.	
3.8	Social Profiling (urban process).	Submit beneficiary subsidy application to PDoHS.	Municipality/ IA/PDoHS.	
3.9	Hand over certificates.	Issue of certificates by custodian of the service e.g. transport.	Municipality/Custodian sector department /District Municipality.	
3.10	Compliance with the conditions of establishment of SPLUMA.	Ensure conditions of SPLUMA are complied.	Municipality/IP/PDoHS.	
3.11	Opening of Township Register.	Submission to the Deeds office to open the township register (Rural).	Surveyor/ IA.	

4.	STAGE 3: TOP STRUCTURE CON	STRUCTION:	
4.1	Social Profiling (rural)	Submit beneficiary subsidy application to PDoHS.	Municipality/ IA.
4.2	Submit buildings plans, approved building plans, Top- structure construction.	The architect will compile and submit building plans to the Municipality for approval prior to the commencement of construction. Community Committee & Municipality has to approve plans.	Architect / Structural Engineer/ PDoHS / Municipality/ Community Committee.
4.3	House construction: Stage 3 application.	Application by IA to regional/district office for top- structure funding. Stage 3 application is recommended by Evaluation Committee, approved by MEC. Project stage 3 agreements signed.	PDoHS/Evaluation Committee /MEC/Municipality/IA.
4.4	NHBRC home enrollment for urban projects.	Enrollment of houses with NHBRC commences	PDoHS/ Municipality/ NHBRC.
4.5	Completed top structures milestone Building inspection: Foundation certificate, structural certificate, occupation certificate and NHBRC issues FUR.	The top structures are completed, completion certificates issued. Upon completion of the top structure an engineer will certify that foundations and structural elements of the house are satisfactory for human occupation. NHBRC issues FUR.	PDoHS /IA / structural Engineer/ Municipality/NHBRC.
4.6	Payment of subsidies.	Payment of subsidies commences in accordance with milestones achieved within Stage3.	PDoHS /IA/ Municipality.
4.7	Conveyancing (of individual erven).	Registration of transfer of individual erven is complete. Compile & handover of deeds to beneficiaries	Conveyancer / Municipality / Beneficiary/ PDoHS.
4.8	Occupation takes place.	Occupational certificate "happy letter" signed by beneficiary.	Conveyancer / Municipality / Beneficiary/ PDoHS.
4.9	Project Completion.	Project is completed.	PDoHS / IA/ Municipality.
5.	CLOSE OUT	* To be done in terms of the KZN revised procedur	e for closing out projects
5.1	Final Project -Close out.	Project is closed out ensuring completion of all relevant certification.	PDoHS / IA/ Municipality.



The detailed Policy, Guidelines and Procedures may be accessed on the Department's website using the following link: https://www.kzndhs.gov.za/index.php/features/policy-documents/provincial-policies



ANNEXURE 1

ACKNOWLEDGEMENT OF ALLOCATION OF A TEMPORARY RESIDENTIAL UNIT (TRU)/ STRUCTURE

BENEFICIARY LOCATION				
AREA/TOWN				
INFORMAL SETTLEMENT NAME				
WARD				
GPS COORDINATES / LANDMARK				
SIZE OF UNIT		m²		
DESCRIPTION OF TRU				
I, the undersigned				
(Name of beneficiary,				
I D Number		Contac	t number	
do hereby acknowledge that I have taken posse			•	-
Signed at on the	is day of		20	
	(Month)	(Year)	
Signature		Name of Signat	ory / Beneficiary	
			, ,	
Left Thumb Print	Right Thumb Print			
	(If signature is not pro	ovided)		
Name of Works Inspector			Signature	
Name of Social Facilitator / Project Monitor S	ignature		Signature	

NB: Copy of ID must accompany this document where available