



KWAZULU-NATAL PROVINCE

HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA

353-356 Dr Pixley-KaSeme Street, Eagle Building, Murchies Passage, Durban, 4001, Private Bag X 54367, Durban, Tel: +27 313365357, Email: nelly.khoza@kzndhs.gov.za, Web: www.kzndhs.gov.za

SHORT-TERM ACCOMMODATION POLICY

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ACRONYMS

| | |
|-------------|---|
| BNG | Breaking New Ground |
| DoHS | Department of Human Settlements |
| EHP | Emergency Housing Programme |
| IDP | Integrated Development Plan |
| KZN | KwaZulu-Natal |
| TEA | Temporary Emergency Accommodation |
| TRA | Temporary Relocation Areas |
| TRU | Temporary Residential Unit |
| UISP | Upgrading of Informal Settlements Programme |

DEFINITIONS

In this policy, the following words shall unless otherwise stated or inconsistent with the context in which they appear, bear the following meaning:

Disaster: A disaster is a sudden, disastrous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources.

Emergency: is a situation that poses an immediate risk to health, life, property, or environment and might have serious implications for the continued health and well-being of a person or persons.

Short-Term Accommodation: a building designed or used or intended for use as a temporary accommodation.

Temporary Residential Unit (TRU): a temporary structure that is provided to accommodate beneficiaries who are victims of disaster or emergency situations.

Temporary Emergency Accommodation (TEA) means temporary assistance provided to beneficiaries of emergencies who may find themselves housed in transit camps or temporary relocation areas.

Temporary Relocation Area (TRA) means a site where residents are intended to be accommodated on a temporary basis.

Transition: to ensure affected persons are able to transition from a TEA to a more permanent housing solution through various housing options.

1. INTRODUCTION

Government in pursuance of its goal of realising everyone's Constitutional right to access to adequate housing on a progressive basis, has instituted a National Housing Programme through which it endeavours to address the needs of households who for reasons beyond their control, find themselves in an emergency housing situation such as the fact that their existing shelter has been destroyed or damaged, their prevailing situation poses an immediate threat to their life, health and safety, or they have been evicted, or face the threat of imminent eviction.

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.

2. LEGISLATIVE FRAMEWORK

- 2.1 The policy is guided by the National Housing Code 2009, Emergency Housing Programme in relation to disaster and emergency cases.
- 2.2 The Constitution of the Republic of South Africa, Act No. 108 of 1996 recognises everyone's right to access adequate housing and that the state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of this right. The Department makes every effort to address this need of households through various means.
- 2.3 The Housing Act 107 of 1997, states that all spheres of government, must give priority to the needs of the poor and consult meaningfully with individuals and communities affected by housing development.

2.4 The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) which provides a framework and relationship between spatial planning and land use management.

3. 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:

3.1 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.

3.2 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.

3.3 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.

3.4 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.

4. OBJECTIVES OF THE POLICY

4.1 The main aim of this document is to formalize the manner in which the Department of Human Settlements (DoHS) 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.

4.2 **Further objectives of this document include the following:**

- a) To provide for the management of short-term accommodation;
- b) To reduce the occupancy period of existing short- term accommodation;
- c) To assist in identifying problems early so that necessary remedial action is taken;
- d) To ensure that the short-term accommodation is used for its intended purpose;

- e) To give clear direction in terms of the responsibility for dismantling, costs, transportation, and storage.

5. 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.

6. ALTERNATE OPTIONS FOR SHORT-TERM ACCOMMODATION

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

- 6.1 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.
- 6.2 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.

7. 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;
- d) 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.

8. 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.

- a) 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.

GENERAL PRODUCT REQUIREMENTS

- ❖ A minimum lifespan of 5 years. It must be possible to dismantle the shelter for re-use at least 3 times.
- ❖ It must be dismountable, easy to transport, store and construct.
- ❖ Designs to meet SABS prescripts that must be endorsed and certified by a structural engineer or equivalent professional and be compliant with environmental requirements.
- ❖ Adaptable to local conditions.
- ❖ 24m² floor area in extent (may vary up to 30m² depending on the need and possibilities within funding limits).
- ❖ Temporary basic engineering services and shelters should be designed for removal.

The above is the recommended product structure to be provided. However, where not possible then municipalities may build temporary structures in terms of their specification. Funding will be limited to the prescripts of the National Subsidy quantum for temporary shelters in the EHP. The use of Alternative Building Technologies (ABT) may also be considered.

9. 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/repared. | 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 the repair or demolition and reconstruction of the house. | 3 Months (repair) 6 Months (reconstruction) |

| | |
|--|---|
| <p>TEMPORARY ACCOMMODATION LINKED TO RELOCATION OF INFORMAL SETTLEMENTS</p> <p>a) Where there has been a project in place in both planning and construction stages waiting to relocate beneficiaries after the project is complete.</p> <p>b) When land parcels for which pre-feasibility assessment and circulation to line departments has been done.</p> | <p>a) 18 Months</p> <p>b) 2-3 Years</p> |
| <p>TEMPORARY ACCOMMODATION FOR CRU/HOSTEL UPGRADE</p> <p>When hostels are decanted to construct new Greenfields or refurbishing existing structures in terms of the CRU Programme.</p> | <p>9 Months</p> |
| <p><i>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.</i></p> <p><i>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.</i></p> | |

Systematic assessment of the short-term accommodation need by the Municipality is the first critical step to ensure that the existing situation has been understood properly and the relevant stakeholders have been engaged appropriately.

Information obtained through the assessment will enable implementing agents to estimate time frames and immediacy of responses, and to assess budget requirements.

10. 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.

11. 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.

12. 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;

- c) 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).

13. ROLES AND RESPONSIBILITIES IN RESPECT OF TEMPORARY STRUCTURES USED FOR SHORT TERM ACCOMMODATION

13.1 MUNICIPALITY

The municipality will be responsible for the following:

- a) To identify and provide the site for the short-term accommodation;
- b) The Municipality must ensure that they comply in terms of provincial DoHS policy;
- c) Plan for disaster situations;
- d) Plan in terms of the Short-Term Accommodation Policy;
- e) Ensure that facilities are assessed to make sure that there is sufficient privacy to allow dignity;
- f) Provide consumer education;
- g) In cases where the Municipality detects the presence of illegal immigrants, they should immediately report the matter to the Department of Home Affairs;
- h) Ensure close monitoring of the database of occupants;
- i) Monitor and manage short-term accommodation.

13.2 KZN DEPARTMENT OF HUMAN SETTLEMENTS

The DoHS will be responsible for the following:

- a) Ensure proper compliance with the Emergency Housing Programme policy and standards;

- b) Manage re-use of the structures to prevent the investment in structures being lost;
- c) Ensure closer monitoring of the management of short-term accommodation;
- d) Look at managing and trying to address potential delays that may prevent adherence to occupancy time frames;
- e) Oversee the monitoring and management of short-term accommodation by Municipalities; and
- f) The Department will be responsible for the appointment of the IA for projects approved for rectification, to manage the process and undertake the repair or reconstruction of houses.

14. FACILITATION AND CONSUMER EDUCATION

Short-term accommodation will include the implementation of the provision of social assistance to the beneficiaries in order to empower them. The potential beneficiaries must be clearly informed and understand their role and responsibility in ensuring the success of the process and maintenance of short-term accommodation. Many of those that need to benefit from the delivery of housing still lack the necessary information that will enable them to access opportunities that the government has created. The Municipality must undertake a comprehensive consumer education programme and campaign to position potential beneficiaries to take advantage of existing housing programmes and take good care of their housing units once they have benefitted.

15. MONITORING & EVALUATION

The Policy, Research and Product Development component will undertake a policy review after three years or when the need arises. The Department's Regional Project Management offices must monitor and ensure compliance with the Short-Term Accommodation Policy.



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 | m ² |
| DESCRIPTION OF TRU | |

I, the undersigned _____
(Name of beneficiary)

_____ ID Number

_____ Contact number

do hereby acknowledge that I have taken possession of a temporary residential unit / structure as my house was damaged/destroyed in _____. I am satisfied with the temporary structure that has been allocated to me.

Signed at _____ on this _____ day of _____ 20_____
(Month) (Year)

Signature

Name of Signatory / Beneficiary

Left
Thumb
Print

Right
Thumb
Print

(If signature is not provided)

Name of Works Inspector

Signature

Name of Social Facilitator / Project Monitor Signature

Signature

NB: Copy of ID must accompany this document where available