



DRAFT EMERGENCY HOUSING ASSISTANCE POLICY

1. INTRODUCTION

The Municipality recognises that it has a shared obligation in terms of, among others, section 26(2) of the Constitution of the Republic of South Africa, 1996, Act 108 of 1996 (the Constitution) to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to have access to adequate housing.

The Municipality further recognises its shared obligation to assist persons who are destitute, in desperate need and crisis situations.

In fulfilment of these obligations the Municipality must endeavour to have a coherent program or policy in place within its available resources to assist persons who are destitute, in desperate need and crisis situations.

This Policy is implemented in furtherance and fulfilment of the Municipality's shared obligations in terms of the Constitution and other relevant legislation as well as related statutory instruments and case law to provide temporary assistance to persons who are destitute and in desperate need and/or crisis situations and to lay down guidelines in this regard.

The principles outlined in this Policy will be incorporated into the housing strategy/plan of the Municipality.

The Municipality in terms of this policy aims to express themselves on only emergency housing assistance which is a facet of the Housing Plan of Stellenbosch Municipal Council. It is thus clear that this policy of the National Housing Code only governs provision of housing in emergency circumstances described in Chapter 12, which is not tantamount to the progressive realisation of housing for all inhabitants.



2. AIMS OF THE POLICY

This policy seeks to establish a basis for the implementation of all relevant and applicable legislation which is utilised in the decision making process on the provision of emergency housing.

The aim is to provide temporary aid and assistance in the form of **basic** municipal engineering services and/or shelter in emergency situations to persons who are destitute and in desperate need and/or crisis situations.

Note that the provision of this type of assistance does not detract from the municipalities overall objectives in terms of section 26 of the "Constitution," and does not promote queue jumping in that the provision of this type of temporary assistance is limited to emergencies.

3. DEFINITIONS

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

3.1 "**Basic municipal engineering services**" limited to water services, sanitation services, access roads and open lined storm water systems provided on a shared base in a dense settlement pattern;

3.2 "**Municipality**" Stellenbosch Municipality;

3.3 "**Beneficiaries**" persons who are resident in the jurisdiction of the municipality and find themselves in an emergency and who are desperately poor, homeless and unable to address their housing emergency from own resources or from other resources such as willing relatives or friends;

3.4 "**Policy**" The policy set out in this document, as amended from time to time;



3.5 "prescribed form"

the application form/affidavit attached to this Policy for emergency housing assistance.

3.6 "Professionally Declared"

The professional opinion and recommendation of a consultant who specialise in that field of expertise.

In this Policy words importing the masculine gender include the feminine and neuter genders and *vice versa*; the singular includes the plural and *vice versa*; and natural persons include artificial persons and *vice versa*.

4. SCOPE, APPLICATION AND CRITERIA

This Policy will only apply to persons who are destitute and who find themselves in desperate need and/or crisis situations, such situations being referred to and defined below as "Emergencies", and only these persons will qualify for temporary emergency housing assistance under this Policy.

In the event of persons facing eviction, an eviction order must first be obtained from a competent court before such persons will be assisted under this Policy.

The purpose of this Policy is not to:

- assist landowners, in the absence of legal eviction proceedings, with the provision of alternative accommodation for occupiers of their properties;
- provide alternative accommodation to occupiers where such responsibility is on the landowners;
- Promote or foster queue-jumping by persons not listed on the Municipality's ordinary waiting list for housing.

Assistance provided under this Policy will only be of a temporary nature, and is not intended to provide a permanent solution and should not be considered as such.

4.1 "Emergencies"

An emergency exists when the Municipality, after application by the affected persons on the



prescribed form, has confirmed that the persons affected qualify as a “Beneficiary”.

Where such a beneficiary have become:

- 4.1.1 destitute and homeless as a result of a declared state of disaster, where assistance is required, including cases where initial remedial measures have been taken in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) by government, to alleviate the immediate crisis situation;
- 4.1.2 destitute and homeless as a result of a situation which is not declared as a disaster, but destitution is caused by extraordinary occurrences such as floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents;
- 4.1.3 Or live in professionally declared dangerous conditions such as on land being prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes.
- 4.1.4 Or live in the way of engineering services or proposed services such as those for water, sewerage, power, roads or railways, or in reserves established for any such purposes;
- 4.1.5 Or are legally evicted or threatened with imminent eviction in accordance with a final eviction order from a competent Court from land or from unsafe buildings, or are in unsafe situations where based on professional advice warrants pro-active steps ought to be taken to forestall such consequences;
- 4.1.6 Or whose homes are demolished, or who are in situations where proactive steps ought to be taken to forestall such consequences;



4.1.7 Or are displaced or threatened with imminent displacements as a result of a state of civil conflict or unrest, or are in situations where pro-active steps ought to be taken to forestall such consequences;

4.1.8 Or live in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance; or

5. FUNDING

5.1 The Municipality recognises that it has a shared obligation, within its available resources, to implement this Policy and will, within its available resources and insofar as is possible, assist those persons who require immediate assistance, in terms of this policy.

5.2 The Municipality will also apply for any/all possible funding available from outside sources.

5.3 An emergency revolving fund will be established in which all funds including funds obtained from the relevant provincial department in terms of the relevant application; funds from other sources of the Municipality as well as external funding contributions received will be deposited in order to address the objectives of this Policy.

6. CATEGORIES OF ASSISTANCE

The various categories of assistance provided under this Policy depend on the specific circumstances and are dictated by the specific situation, as the case may be. The various categories are the following:

(a) accommodation kept in reserve for possible disasters

- This entails the accommodation of persons in community halls or other buildings designated for this purpose as a temporary measure.

(b) temporary accommodation that is readily available

- This entails the temporary accommodation of persons at any place as decided by Council from time to time.



- Persons assisted will be provided with a temporary residential unit of a dignified nature and have access to services, which may be communal.

(c) transitional accommodation

- this form of accommodation will be established under the relevant housing programme of national and provincial government by setting aside a minimum of 10% of the total number of sites for formal housing in human settlement projects, as identified and earmarked by the Municipality from time to time, and applying for funding in this regard, depending on the need that may exist.
- Persons assisted will be provided with a structure that meets the requirements of the relevant chapter of the National Housing Code and have access to services, which may be communal.

(d) shelters

- this entails the temporary accommodation of persons at one of the shelters operated or funded by the Municipality;

It is in the discretion of the Municipality to determine which categories of assistance apply to specific persons and which category of assistance to use in a specific situation, depending on, and with reference and having regarded to, the specific circumstances of particular persons.

The assistance is only of a temporary nature and should not be considered as a permanent measure

The Municipality can and reserves the right to, in its discretion, temporarily move persons to another suitable site.

Any person assisted under this Policy will be required to enter into an agreement with the Municipality in order to regulate the terms and conditions of such person's accommodation, in particular the temporary nature thereof and any ancillary and/or related obligations.

7. SHORT TITLE AND COMMENCEMENT

This policy is the only document of Council/Municipality that regulates Emergency Housing needs and shall be called Emergency Housing Assistance Policy and shall come into operation on the date of the final adoption by Council.

