

<p style="text-align: center;">STELLENBOSCH MUNICIPALITY REVISED EMERGENCY HOUSING ASSISTANCE POLICY</p>

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, other relevant legislation, 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 itself 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 case law and statutory instruments 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 as elaborated upon hereunder 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 municipality's 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 meanings¹:

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

- 3.2 Beneficiaries / Victims** 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;

- 3.3 Budget** The allocation of funds for emergency housing in any given financial year. These funds may differ from year to year;

- 3.4 Emergency sites** Pieces of land in municipal ownership identified by Council from time to time for the provision of emergency housing.

- 3.5 Emergency / Disaster** Disaster as contemplated under the Disaster Management Act (57 of 2002); Emergency as contemplated under the Disaster Management Act and called by the Disaster Management Department of Stellenbosch Municipality;

¹ All definitions obtained and where necessary modified from WordWeb <http://wordweb.info/free/>

3.6 Eviction / (Orders)	An order granted by competent Court for an eviction. This document distinguishes between a formal eviction and an informal eviction, as explained in clause 3.9 and 3.10 hereunder;
3.7 Evictee	Person expelled or ejected without recourse to legal process or forced to move out by a legal process;
3.8 Evictor	Person expelling or ejecting another without recourse to legal process or forces another to move out by a legal process;
3.9 Formal eviction	Eviction in accordance with an eviction order from a competent Court;
3.10 Informal eviction	Persons are put out on the street without any Court proceedings or a judgement or an eviction order from a competent Court. (These evictions usually occur over weekends or at night)
3.11 Informal dwelling²	A structure that is constructed with wood, iron, plastic or a combination of these materials, which does not meet the standards of safety in building and does not comply with the National Building Regulations. These structures can be found in backyards or in informal settlements;
3.12 Municipality	Stellenbosch Municipality;
3.13 Meaningful engagement	Municipality and representatives from both parties in the eviction matter negotiate the terms under

² Modified. Original *defu* available at www.capetown.gov.za/eu/stats/documents/informal%20Dwellings.htm. Accessed 8 March 2016

	which the court judgement must be executed;
3.14 Mediation	The act of intervening for the purpose of bringing about a settlement.
3.15 Policy	The policy set out in this document as amended from time to time;
3.16 Prescribed form	The application form/affidavit attached to this Policy for emergency housing assistance APPENDIX 1 ;
3.17 Professionally declared	The professional opinion and recommendation of a consultant or an official of Council who specialise in that field of expertise;
3.18 Relocation	The removal of people by the municipality from their place of residence to a suitable location in accordance with the prescribe(s) of various Court judgements;
3.19 Report(s) to Court	Municipality prepares a report for Court setting out the terms for meaningful engagement / mediation and/or the provision of alternative accommodation;
3.20 Settlement Agreement	Settlement Agreement is the agreement reached between the parties and is submitted as part of the Court proceedings;
3.21 “Surprise” Eviction	Where the evictee fails to inform the Municipality timeously of a formal eviction or when an informal eviction occurs over night or during a weekend without prior knowledge by the Municipality of said eviction;
3.22 Temporary Relocation Area	An area identified by Council where the persons affected by emergencies can be

accommodated on a temporary basis.

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 (TEPA) 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”. Table 1 (below) is a non-exhaustive list of possible categories of emergency.

Table 1: Categories of Emergency

Categories of Emergency		Competent Authority / Department / Directorate
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;	1. Disaster Management
4.1.2	Destitute and homeless as a result of a situation which is not declared as a disaster / emergency, 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;	2. Disaster Management
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 or an a landfill site;	1. Planning & Economic Development 2. Engineering Services
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;	1. Engineering Services
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 proactive steps ought to be taken to forestall such consequences;	1. Human Settlements in consultation with Legal Services
4.1.6	Or whose homes are demolished , or who are in situations where proactive steps ought to be taken to forestall such consequences;	1. Planning & Economic Development 2. Disaster Management 3. Law Enforcement
4.1.7	Or are displaced or threatened with imminent displacements as a result	1. Law Enforcement 2. Disaster Management

	of a state of civil conflict or unrest, or are in situations where pro-active steps ought to be taken to forestall such consequences;	3. Planning & Economic Development 4. Human Settlements in consultation with Legal Services
4.1.8	Or live in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance; or	1. Engineering Services 2. Planning & Economic Development 3. Disaster Management

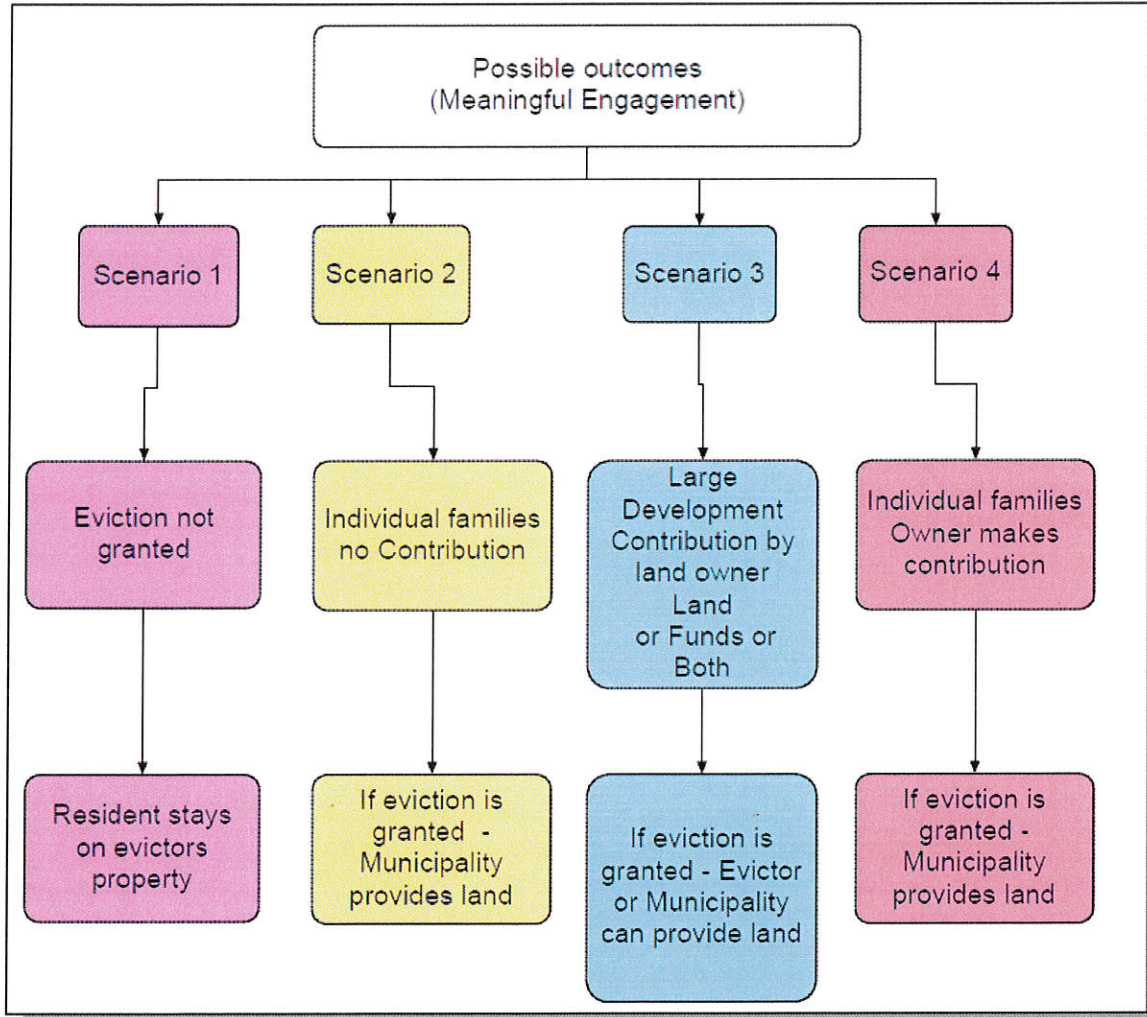
4.2 Meaningful engagement

The process of meaningful engagement was developed over time by various Court judgments to ensure that Municipalities are involved in the eviction process from an early stage. Therefor the purpose of the meaningful engagement process is to reduce the number of incidences where the municipality is “surprised” by a formal or informal eviction.

Effectively all parties negotiate the terms under which an eviction can occur and these terms eventually becomes the order of the court. In accordance with this process 4 scenarios are investigated, discussed and negotiated. The outcome of the meaningful engagement process becomes the order of the court.

Fig 1: Meaningful Engagement (scenarios)

5.



5. FUNDING / BUDGET

- 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 National/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

Once an emergency has been declared by the relevant authority / Department / Directorate the Municipality provides various types and levels of assistance. Table 2 hereunder provides a non-exhaustive list of assistance. The list is compiled from observations by the ISD of assistance over the last 5 years.

Table 2: Categories of Assistance

Circumstance (category of emergency)	Type of assistance		By Whom / order of ascendance (delegation)	Example	
Minimal structural damage (at most)	Emergency Kit	Materials	1. Disaster Management	Vehicle accidents all areas ³	Fire / Flood
Declared Emergency by Disaster Management Department in accordance with the Disaster Management Act Total destruction of structure	Enhanced Emergency Kit Refer also clause 6.1 to clause 6.4 hereunder	Materials	1. Disaster Management 2. JOC 3. Council	Langrug Fire	Fire
Eviction Order	Wendy House	3x3, 6x3 or 9x3 structure, depending on family size Note: 3 x 3 for single or couples with no dependents 3 x 6 families up to and including 5 individuals 3 x 9 families up to and including 10 individuals Specifications determined from time to time.	1. Human Settlements in consultation with Legal Services 2. MM 3. Council	Kreefgat, Jamestown Zone A, Kayamandi Landfill	Fire Fire Eviction order
Relocation by Municipality	Wendy House	3x3, 6x3 or 9x3 structure, depending on family size Note: 3 x 3 for single or couples with no dependents 3 x 6 families up to and including 5 individuals 3 x 9 families up to and including 10 individuals	1. JOC 2. Council 3. Legal Section	Kreefgat / 7de Laan, Jamestown Zone A, Kayamandi Landfill	Fire Fire Eviction order

³ Taxis on a regular basis drive into informal structures

		Specifications determined from time to time.			
Evicted over weekend or at night	Community Halls		1. Disaster Management 2. Law Enforcement 3. Council		

The level of assistance by the municipality depends on various cases highlighted above and elaborated in above mentioned table.

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:

6.1 Accommodation kept in reserve for possible disasters / emergencies

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

6.2 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.

6.3 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, or sites identified by the Municipality for emergency accommodation 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.

6.4 Shelters

- This entails the temporary accommodation of persons at one of the shelters operated or funded by the Municipality; as showed in the above mentioned table.

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 (EHAP)** and shall come into operation on the date of the final adoption by Council.

APPENDIX 2



STELLENBOSCH MUNICIPALITY ~~DRAFT~~ REVISED 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 ~~P~~policy aims to express ~~itself~~ 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 ~~P~~policy seeks to establish a basis for the implementation of all relevant and applicable legislation case law and statutory instruments 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 as elaborated upon

hereunder 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 ~~form from~~ the ~~municipalities~~ municipality's 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~~ meanings¹:

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

3.2 **"Beneficiaries / Victims"** 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;

3.3 "Budget" The allocation of funds for emergency housing in any given financial year. These funds may differ from year to year;

3.4 "Emergency sites" Pieces of land in municipal ownership identified by Council from time to time for the provision of emergency housing.

3.5 "Emergency / Disaster" Disaster as contemplated under the Disaster Management Act (57 of 2002); Emergency as contemplated under the Disaster Management Act and called by the Disaster Management

¹ All definitions obtained and where necessary modified from WordWeb <http://wordweb.info/free/>

<u>3.6 "Eviction / (Orders)"</u>	<u>An order granted by competent Court for an eviction. This document distinguishes between a formal eviction and an informal eviction, as explained in clause 3.9 and 3.10 hereunder;</u>
<u>3.7 Evictee</u>	<u>Person expelled or ejected without recourse to legal process or forced to move out by a legal process;=;</u>
<u>3.8 Evictor</u>	<u>-Person expelling or ejecting another without recourse to legal process or forces another to move out by a legal process;=;</u>
<u>3.786 "F3.9 Formal eviction"</u>	<u>Eviction in accordance with an eviction order from a competent Court;</u>
<u>3.103.886 " Informal eviction –eviction timing"</u>	<u>Persons are put out on the street without any Court proceedings or a judgement or an eviction order from a competent Court. (These evictions usually occur over weekends or at night)</u>
<u>3.11 Informal dwelling²</u>	<u>A structure that is constructed with wood, iron, plastic or a combination of these materials, which does not meet the standards of safety in building and does not comply with the National Building Regulations. These structures can be found in backyards or in informal settlements;=;</u>
<u>3.123.793 "Municipality"</u>	<u>Stellenbosch Municipality;=;</u>

² Modified. Original defu available at www.capetown.gov.za/eu/stats/documents/informal%20Dwellings.htm. Accessed 8 March 2016

<u>3.83.13 Meaningful engagement</u>	<u>Municipality and representatives from both parties in the eviction matter negotiate the terms under which the court judgement must be executed;</u>
<u>3.93.14 Mediation</u>	<u>The act of intervening for the purpose of bringing about a settlement.</u>
<u>3.815 Policy</u>	<u>The policy set out in this document as amended from time to time;</u>
<u>3.106 Prescribed form</u>	<u>The application form/affidavit attached to this Policy for emergency housing assistance</u> <u>APPENDIX 1;</u>
<u>3.147 Professionally Ddeclared</u>	<u>The professional opinion and recommendation of a consultant or an official of Council who specialise in that field of expertise;</u>
<u>3.104 "Policy"</u>	<u>The policy set out in this document, as amended from time to time;</u>
<u>3.115 "Pprescribed form"</u>	<u>tThe application form/affidavit attached to this Policy for emergency housing assistance.</u>
<u>3.126 "Professionally Declared"</u>	<u>The professional opinion and recommendation of a consultant who specialise in that field of expertise.</u>
<u>3.43128 "Relocation"</u>	<u>The removal of people by the municipality from their place of residence to a suitable location in accordance with the prescribe(s)s of various Court judgements.;</u>
<u>3.193 Report(s) to eCourt</u>	<u>Municipality prepares a report for eCourt setting out the terms efor meaningful engagement / mediation and/or the provision of alternative accommodation;</u>

<u>3.14 "Meaningful engagement"</u>	<u>Municipality and representatives from both parties negotiate the terms under which the court judgement must be executed.</u>
<u>3.15 "Evictee"</u>	<u>Person expelled or ejected without recourse to legal process or forced to move out by a legal process. Person applying for the eviction order.</u>
<u>3.16 "Evictedor"</u>	<u>Person to be removed from property. Person expelling or ejecting another without recourse to legal process or forces another to move out by a legal process.</u>
<u>3.17420 "Settlement Agreement too"</u>	<u>Settlement Agreement is the agreement reached between the parties and is submitted as part of the Court proceedings;</u>
<u>3.21 "Surprise" Eviction</u>	<u>Where the evictee fails to inform the Municipality timeously of a formal eviction or when an informal eviction occurs over night or during a weekend without prior knowledge by the Municipality of said eviction;</u>
<u>3.22 Temporary Relocation Area</u>	<u>An area identified by Council where the persons affected by emergencies can be accommodated on a temporary basis.</u>
<u>3.18 "Report to court"</u>	<u>Municipality prepares a report for court setting out terms of meaningful engagement.</u>
<u>3.19 Mediation</u>	<u>The act of intervening for the purpose of bringing about a settlement.</u>

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 (TEPA) under this Policy.

In the event of persons facing eviction, an eviction order must first be obtained from a competent eCourt 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". Table 1 (below) is a non-exhaustive list of possible categories of emergency.

Where such a beneficiary have become:

Table 1: Categories of Emergency

Emergencies Categories of Emergency		Competent Authority / Department / Directorate
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;	1. Disaster Management Department
4.1.2	Destitute and homeless as a result of a situation which is not declared as a disaster / emergency, 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;	2. Disaster Management Department
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 or an a landfill site;	1. Department of Planning and Economic Development 2. Engineering Services Development Engineering Services
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;	1. Engineering Services
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 proactive steps ought to be taken to forestall such consequences;	1. Human Settlements in consultation with Legal Department Services
4.1.6	Or whose homes are demolished , or who are in situations where proactive steps ought to be taken to forestall	1. Department of Planning and Economic Development

	such consequences;	2. Disaster Management 3. Law Enforcement
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;	1. Law Enforcement 2. Disaster Management 3. Planning & Economic Development 4. Human Settlements in consultation with Legal Services^[JR2] 2. & Dev
4.1.8	Or live in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance; or	1. Engineering Services 2. Planning & Economic Development 3. Disaster Management

~~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 / emergency, 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 or an a landfill site;~~

4.2– Meaningful engagement (PTO)

~~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;~~

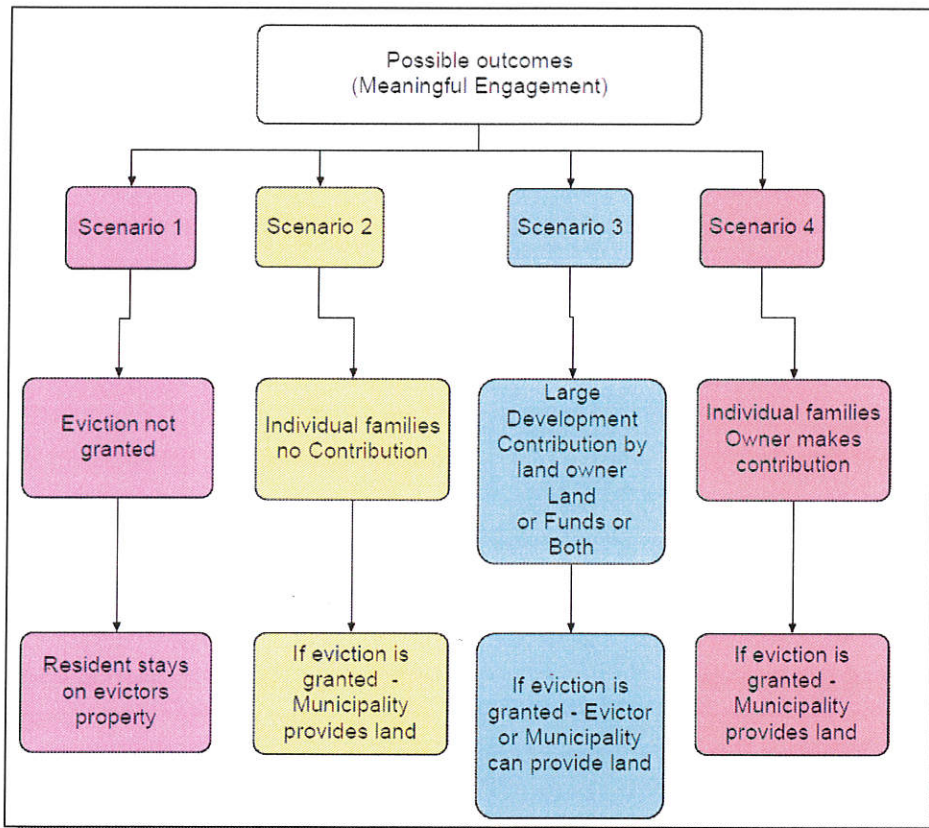
- 4.1.5 — Or are **legally evicted or threatened with imminent eviction** in accordance with a final eviction order from a competent Court from land or from unsafe buildings, or are in unsafe situations where based on professional advice warrants pro-active steps ought to be taken to forestall such consequences;
- 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

Meaningful engagement (PTO)

The process of meaningful engagement was developed over time by various Court judgments to ensure that Municipalities are involved in the eviction process from an early stage. Therefore the purpose of the meaningful engagement process is to reduce the number of incidences where the municipality is "surprised" by a formal or informal with and eviction.

Effectively all parties negotiate the terms under which an eviction can occur and these terms eventually becomes the order of the court. In accordance with this process 34 options scenarios are investigated, discussed and negotiated. The outcome of the meaningful engagement process becomes the order of the court.

Fig 1: Meaningful Engagement (scenarios)





5 / BUDGET

- 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 ~~n~~National/~~p~~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

Once an emergency has been declared by the relevant authority / Department / Directorate the Municipality provides various types and levels of assistance. Table 2 hereunder provides a non-exhaustive list of assistance. The list is compiled from observations by the ISD of assistance over the last 5 years.

Table 2: Categories of Assistance

CATEGORIES OF ASSISTANCE					
<u>Circumstance (category of emergency)</u>	<u>Product / Materials Type of assistance</u>		<u>By Whom / order of ascendance (delegation)</u>	<u>Example</u>	
<u>Minimal structural damage (at most)</u>	<u>Emergency Kit</u>	<u>Materials</u> <u>Zinc sheets & plastic</u> <u>2. wood & nails</u>	<u>1. Disaster Management</u>	<u>Fire-/ FloodVehicle accidents all areas³</u>	<u>Fire / Flood</u>
<u>Declared Emergency by Disaster Management Department in accordance with the Disaster Management Act</u> <u>Total destruction of structure</u>	<u>Enhanced Emergency Kit</u> <u>Refer also clause 6.1 to clause 6.4 hereunder</u>	<u>Materials</u>	<u>1. Disaster Management</u> <u>2. JOC</u> <u>3. Disaster Management Council</u>	<u>Langrug Fire</u>	<u>Fire</u>
<u>Eviction Order</u>	<u>Wendy House</u>	<u>3x3, 6x3 or 9x3 structure, depending on family size</u> <u>Note: 3 x 3 for single or couples with no dependents</u> <u>3 x 6 families up to and including 5 individuals</u> <u>3 x 9 families up to and including 10 individuals</u> <u>Specifications determined from time to time.</u>	<u>1. Human Settlements in consultation with Legal/JR3] Services</u> <u>2. MM</u> <u>3. Council</u>	<u>Kreefgat, Jamestown</u> <u>Zone A, Kayamandi</u> <u>Landfill</u>	<u>Fire</u> <u>Fire</u> <u>Eviction order</u>
<u>Relocation by Municipality</u>	<u>Wendy House</u>	<u>3x3, 6x3 or 9x3 structure, depending on family size</u> <u>Note: 3 x 3</u>	<u>1. JOC</u> <u>2. Disaster Management</u>	<u>Kreefgat / 7de Laan, Jamestown</u> <u>Zone A.</u>	<u>Fire</u>

³ Taxis on a regular basis drive into informal structures

		<u>for single or couples with no dependents</u> <u>3 x 6 families up to and including 5 individuals</u> <u>3 x 9 families up to and including 10 individuals</u> <u>Specifications determined from time to time.</u>	<u>Council</u> <u>3.</u> <u>Legal Section</u>	<u>Kayamandi</u> <u>Landfill</u>	<u>Fire</u> <u>Eviction order</u>
<u>Evicted over weekend or at night</u>	<u>Community Halls</u>		<u>JOC</u> <u>1.</u> <u>Disaster Management</u> <u>2. Law Enforcement</u> <u>3.</u> <u>Council</u>		

The level of assistance by the municipality depends on various cases highlighted above and elaborated in above mentioned table.

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:

6.1

Accommodation kept in reserve for possible disasters / emergencies

(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.

• 6.2 Temporary accommodation that is readily available

(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.

6.3 Transitional accommodation

~~(c) transitional accommodation (formal)~~

- ~~This~~ 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, or sites identified by the Municipality for emergency accommodation and applying for funding in this regard, depending on the need that may exist.
- ~~Persons~~ 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.

6.4 Shelters

~~(d) Shelters (informal)~~

- ~~this~~ This entails the temporary accommodation of persons at one of the shelters operated or funded by the Municipality; as showed in the above mentioned table.

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 (EHAP)** and shall come into operation on the date of the final adoption by Council.