



City of Johannesburg Temporary Emergency Accommodation Provision: Draft Policy

DOCUMENT CONTROL

Responsible Unit: Policy, Planning & Research Directorate

Version number: 7.0

Document status: Working Document

Current review date: 10222 February 2021

Approval date: 25 February 2021

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1. DEFINITIONS

“Affected persons” means beneficiaries of emergency housing including but not limited to an Evictee residing in the jurisdiction of the COJ and who cannot address his or her housing emergency from their own or other available resources and who makes an application to the CoJ for TEA assistance in the prescribed manner.

“Application” refers to an activation of the process to provide accommodation either by a court order, approaching CoJ offices for help or assessment by CoJ determining the risk to life of a particular property or imminent need to for alternative accommodation and all inherent processes that follow as part of fulfilling provision of alternative accommodation.

“CoJ” means City of Johannesburg Metropolitan Municipality;

“Disaster” means a disaster as defined in the Disaster Management Act 57 of 2002;

“Emergencies” means emergency situations of exceptional housing need as referred to in Part 3 of the National Housing Code, 2009;

“Emergency Housing Programme” means the programme provided for in Part 3 Volume 4 of the National Housing Code, 2009;

“Engagement” or **“Engage”** means a process by which the COJ, Evictees, property owners and other stakeholders participate in meaningful discussions with a view to reaching mutually acceptable solutions throughout the process from notice of eviction to provision of alternative accommodation.;

“Evictee” means a person who has been or will be deprived of occupation of a building or structure or the land by the owner granted an eviction order by the court, on which such building or structure is located;

“Owner” means the registered owner of land and property, including an organ of state;

“Person in charge” means a person who has or at the relevant time had legal authority to give permission to a person to enter or reside upon the land in question;

“Policy” means this policy together with the annexures set out in this document, as amended from time to time;

“Problem Property by-law” means the City of Joburg By-Law on Problem Properties, (as amended)

"Property" means any piece of land registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95)

“Temporary Emergency Accommodation” (TEA) means temporary assistance provided to beneficiaries of emergency housing who may find themselves in Emergencies;

“Temporary Assistance” means assistance provided to beneficiaries of emergency housing in the form of TEA units or TRAs for a period not exceeding twelve (12) months’

“TEA building” means either the whole building or a part only of the building which is used for TEA;

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

“Provincial department” refers to the Gauteng Provincial department of Human Settlements

“Emergency housing grant” refers to the nationally administered grant, which provides rapid response to immediate adequate temporary shelter to households affected by disasters

ACRONYMS

CoJ	City of Johannesburg
EHG	Emergency Housing Grant
EHP	Emergency Housing Programme
EMS	Emergency Management Services
ESP	Expanded Social Package
IDP	Integrated Development Plan
ID	Identity Document
MTEF	Medium Term Expenditure Framework
NDoHS	National Department of Human Settlements
NDMC	National Disaster Management Centre
NGO	Non-Governmental Organization
PIE ACT	Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998
PDoHS	Provincial Department of Human Settlements
PDMC	Provincial Disaster Management Centre
TEA	Temporary Emergency Accommodation
TRA	Temporary Relocation Area
TRU	Temporary Relocation Unit

2. PREAMBLE

The COJ, as a local authority recognises the important obligations that section 26 of the Constitution of the Republic of South Africa, 1996 (“**the Constitution**”) places on organs of state in relation to the right of access everyone has to adequate housing (section 26(1)), the taking of reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right (section 26(2)) and that no one may be evicted from their home or have their home demolished without an order of court after considering all the relevant circumstances (section 26(3)).

The CoJ further recognises that those circumstances that constitute Emergencies may lead to affected persons being rendered homeless indefinitely or for a prolonged period of time.

The policy therefore aims to provide pro-active measures that the CoJ will adopt and implement when dealing with the provision of TEA to affected persons who may be rendered homeless or who run the risk of being rendered homeless as a result of finding themselves in one or more categories of risks. It is important to note that the provision of TEA can be pro-active or reactive and based on predictable and unpredictable Emergencies.

The policy also enables a uniform process and approach to be followed by municipal officials, legal practitioners and the public at large when dealing with Emergencies thereby mitigating risk and decreasing the vulnerability of the affected persons.

The Policy should not, under any circumstances whatsoever, be interpreted as a tool to encourage influx in and around the inner city of Johannesburg or seen to be promoting the unlawful occupation of land, rather, it is aimed at assisting the CoJ in achieving a consistent and balanced response when dealing with emergency housing arising from one or more criteria constituting Emergencies.

3. INTRODUCTION

The CoJ as a local authority recognises its shared obligations, inter alia, to assist affected persons who might be rendered homeless temporarily or indefinitely as a result of one or more criteria constituting emergencies.

In recognising this shared responsibility, this policy should not be seen as a short cut vehicle to achieving the rights set out in section 26(1) and section 26(2) of the Constitution. The primary purpose of this policy is to address emergency housing assistance on a temporary basis.

The Emergency Housing Programme and the role of local authorities in emergencies that lead to homelessness have over the years received significant attention through various constitutional court judgments such as the *Joe Slovo* and *Blue Moonlight* cases, and others. In line with the EHP, the policy aims to implement an emergency housing response thereby enabling the CoJ to respond to a plethora of emergency housing situations.

The CoJ has over the years primarily dealt with emergency situations through its Emergency Management Services department. The focus of EMS has been to respond to emergencies consisting in disasters as provided for in the Disaster Management Act (No. 57 of 2002) and the CoJ Disaster Risk Management Policy. The relief provided by EMS is often limited to emergency assistance for a period of up to 72 hours. During this period different aids would be provided to give support to, and make the affected persons' situation more bearable. Where affected persons are rendered homeless resulting from the disaster, they often are provided with shelter in the form of tents, accommodation in community centres et cetera.

It is important to note the ambit of Emergencies has been significantly extended in the text of the EHP and includes, inter alia, floods, earthquakes, sinkholes, hail, snow, strong winds, severe rainstorms, evictions, house demolitions as well as household and communities living in dangerous conditions such as under power lines and on dolomitic land.

Often these affected persons remain homeless temporarily or indefinitely after having received some form of initial assistance from EMS and are required to be accommodated. These affected persons then become the prerogative of the Housing department.

Whereas the EHP has prescribed responses with options of applying for funding when dealing with Emergencies, the CoJ has experienced several challenges in endeavouring to adopt and implement these responses, particularly within the inner city where there is the highest demand for TEA and where there is little or no available land. To this end, the City will have to primarily rely on, and utilise its own resources to provide TEA for affected persons in the inner city.

This type of temporary assistance offered by the CoJ does not detract from its overall responsibility as a municipality in terms of the Constitution and Housing Act, does not promote queue jumping and is limited to temporary assistance in Emergencies.

In the event that one or more provisions contained in this policy is found to be in conflict with one or more provisions contained in the City of Johannesburg By-Law on Problem Properties, then the provisions as set out in the By-Law will take precedence over the provisions contained in this policy.

4. POLICY INTENT

The CoJ recognises its constitutional and statutory obligations to provide Alternative accommodation to affected persons. In doing so, the policy also seeks to highlight the responsibility of property owners in relation to their properties as well as the consequences in failing to execute those responsibilities as provided for in the By-Law on Problem Properties. This Policy is implemented in furtherance and fulfilment of these obligations and lays down certain guidelines in this regard as follows:

- Provision of temporary assistance in the form of TEA buildings and TRA's subject to meaningful engagement with the affected persons
- The policy does not apply to normal housing development projects;

- Normal qualification criteria in relation to permanent, rental or social housing do not apply;
- qualification criteria as determined and provided to all by the CoJ may vary from case to case;
- The policy should not be construed, by its provision of shelter products, to be providing final permanent home through the progressive realisation of the right to have access to adequate housing as intended in Section 26 of the constitution.
- The Policy will be implemented in the context of competing priorities and available resources and is not intended to:
 - a) Assist affected persons that, upon assessment, are found to be able to address their housing need out of their own financial or other available resources.
- The policy is not intended to replace any existing CoJ disaster management programmes;

5. POLICY OBJECTIVES

The main objectives of this Policy are to:

- 5.1.** To provide a rapid to affected persons who find themselves in circumstances constituting Emergencies
- 5.2.** Facilitate the provision of TEA to affected persons in Emergencies;
- 5.3.** In conjunction with the By-Laws on Problem Properties enable municipal officials to identify or encounter situations of potential risk or high vulnerability that require an emergency housing response;
- 5.4.** To provide for an environment of meaningful engagement in Emergencies

6. SCOPE OF THE POLICY

The policy applies to the following emergency housing situations, including but not limited to:

- 6.1.** Homelessness as a result of a declared state of disaster, including where remedial measures have been taken in terms of the Disaster Management Act;

- 6.2. Homelessness as a result of extra ordinary occurrences such as floods, strong winds, severe rainstorms, hail, snow, devastating fires, earthquakes, sinkholes or large disastrous industrial incidences;
- 6.3. Households or communities living in dangerous conditions such as – dolomitic land, threat of eviction from unsafe buildings/land or under power lines
- 6.4. Households or communities that live in the way of engineering services such as water, sewerage, power
- 6.5. Affected persons that have been evicted or face the threat of an imminent eviction.
- 6.6. Where homes are demolished or threatened with imminent demolition
- 6.7. Displacement as a result of civil unrest or conflict; and
- 6.8. Live in conditions that pose immediate threats to life, health and safety

7. POLICY PRINCIPLES

- 7.1. **Pro-poor:** the prioritisation of the affected persons that may be poor and responding in a caring and effective manner within the City's available resources;
- 7.2. **Temporary Relief:** the provision of temporary assistance in emergency housing situations.
- 7.3. **Transparency:** ensure transparent and consistent responses by the City in various emergency housing situations.
- 7.4. **Uniformity:** to ensure that the assistance provided for emergency housing situations is consistent and uniform;
- 7.5. **Transition:** to ensure affected persons are able to transition from TEA to a more permanent housing solution through various housing options.
- 7.6. **Limited in Scope:** The policy does not confer certain rights that affected persons might have enjoyed prior the emergency housing situation, does not replace any housing policy or programme of the NDoHS or PD

and serves to augment other existing CoJ policy and programmes to the extent they pertain to emergency housing situations.

8. QUALIFYING CRITERIA

Where appropriate and justified, TEA will be provided to affected persons in the following categories:

- 8.1.** Households whose monthly income is R 3, 500.00 and below will be prioritised
- 8.2.** Minor headed households;
- 8.3.** Elderly persons
- 8.4.** Persons without dependants;
- 8.5.** Persons who do not own any immovable property in the Republic;
- 8.6.** Persons who have not previously received assistance;
- 8.7.** Illegal foreigners and /or prohibited persons as defined by the Immigration Act (No. 13 of 2002) will be attended to but dealt with in consultation with the Department of Home Affairs.

9. EXCLUSIONS

The Policy is not intended to:

- 9.1.** Serve as an option for owners or persons in charge in the ordinary course of eviction proceedings;
- 9.2.** Provide accommodation to persons where the onus rests with the owner or person in charge
- 9.3.** People who are unlawful occupiers of a property at an event of a dispute between the landlord or a person in charge and the occupier.
- 9.4.** Assist affected persons that are capable of addressing their housing need out of their own financial or other resources;

- 9.5. Accommodate individuals / persons that sublets units and relocate to informal settlements
- 9.6. Encourage queue jumping or promote self-created emergency housing situations;
- 9.7. Deal with properties and owners whose matters are being dealt with by the By-Law on Problem Properties.

10. DURATION OF TEA

- 10.1. The CoJ will provide TEA to affected persons who qualify for TEA for a period not exceeding six (6) months for occupiers that are linked to permanent housing solution.
- 10.2. The period of six (6) months may be reduced subject to evaluations or such other conditions that may require an affected person to be relocated or removed from the TEA building or TEA. The CoJ will issue a notice to this effect to the affected person should this be the case.
- 10.3. Undocumented persons may be allocated a shorter period subject to directions from the DHA in line with National Housing Code 2009 's Emergency Housing Programme.
- 10.4. The maximum period of six (6) months may be extended at the CoJ's discretion.

11. LEGISLATIVE FRAMEWORK

There have been numerous jurisprudential developments relating to the role of municipalities in the provision of alternative accommodation where persons are faced with the risk of homelessness. In this context, the CoJ recognises that it has a shared responsibility within available resources to provide TEA to those residents who may find themselves in Emergencies. This section highlights some of the key legislation and policy.

- 11.1. The Constitution of the Republic of South Africa, 1996
- 11.2. Housing Act 107 of 1997

- 11.3.** Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998
- 11.4.** National Housing Code, 2009
- 11.5.** City of Johannesburg By-Law on Problem Properties, 2014 (as amended from time to time)

12. *PROCESS TO BE FOLLOWED WHERE EMERGENCIES RESULT FROM A DECLARED DISASTER OR EXTRA ORDINARY OCCURRENCE RESULTING IN HOMELESSNESS EXCLUDING EVICTIONS IN TERMS OF THE PIE ACT*

The section shall apply to the following Emergencies:

- 12.1.** Have become 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 by government, to alleviate the immediate crisis situation;
- 12.2.** 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 floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents.

Where either one, or both of the above-mentioned Emergencies have occurred, the following process shall be followed when dealing with or managing the Emergencies:

- 12.3.** The Emergencies shall first be reported to the COJ's EMS department;
- 12.4.** In the event that there is a likelihood of indefinite homelessness resulting from the Emergencies, the relevant official from EMS must forewarn the ED: Housing or his or her delegated official to this effect;
- 12.5.** If the situation warrants the Housing Department's intervention, then the Head: Emergency Housing Unit or his or her delegated official

together with any other official shall visit the affected area and affected persons to determine the extent of damage and make a preliminary assessment;

12.6. To the extent the situation requires the intervention of the NDHS, the Housing Department will contact the relevant officials thereat and inform them of the need for assistance;

12.7. In the meanwhile, the EMS department will provide initial remedial measures to alleviate any immediate crisis in accordance with the prescribe framework.

12.8. The Housing department will inform the PDMC of any application for assistance that might have been made to the NDHS;

12.9. Where it is determined the COJ will in fact need assistance from the NDHS, the Housing department will endeavour to expeditiously complete an application process for a Disaster Grant Approval;

12.10. The City Manager or his or her delegated official shall be tasked with signing of the application form to the NDoHS for assistance;

12.11. So soon thereafter of the application for assistance being approved, the Housing department will render further assistance to the affected persons.

13. "PROCESS TO BE FOLLOWED WHERE EMERGENCIES RESULT FROM EVICTIONS , EMERGENCIES IN LINE WITH THE EMERGENCY HOUSING PROGRAMME AS PER THE NATIONAL HOUSING CODE"

Application for TEA or TRAs

The following process will be followed in instances of evictions or where there is the threat of imminent evictions and TEA will be required by the affected persons:

- a) An application for TEA or TRA to be initiated through the EHU in instances where the CoJ has been enjoined to eviction proceedings in

terms of a court order to report on TEA or provide TEA where the unlawful occupiers face the risk of homelessness in the event an eviction order is granted.

- b) In the event an assessment has been made that lives would be in danger if occupation is continued on the property, the application for TEA/ TRA will be initiated with the CoJ Housing
- c) TRAs will be offered solely at the discretion of the CoJ and only in certain circumstances. Affected persons in applications for TEA or TRAs will be subject to an assessment process. A detailed report will thereafter be compiled and a determination made on the type of assistance that will be required in each case
- d) Provided that they qualify, affected persons will also be invited by the EHU to register with the CoJ's Expanded Social Package (ESP) programme in order that they may access certain benefits.

14. Applications for TEA may be disqualified or limited assistance provided where Evictees:

- a) After assessment are deemed to be in a position, beyond the emergency incident stage, to address their housing Emergency from their own financial or other resources or from such other sources, which may include the proceeds of superstructure insurance policies and whether they have previously benefited from permanent housing assistance from the State;
- b) have been found after investigations that they have caused and intended their exceptional housing need to make themselves a priority;
- c) Housing Emergency can be remedied through the provision of time to vacate their current residence;
- d) have provided false or misleading information to the CoJ in regard to their circumstances ;
- e) When persons are found to be using the property as a second residence/ subletting and or have primary residence in the informal settlements or formal dwelling

- f) an expressed and or recorded refusal to engage;

15. Recordal of TEA applications

Aside from the mandatory requirement that all residents who apply for TEA must apply in the prescribed manner the CoJ shall also keep a database of all the Affected Persons who have been allocated TEA in terms of this Policy including but not limited to, for the purposes of:

- a) detection of trends;
- b) good governance; and
- c) Reporting.

16. TEA buildings/ Units

- a) Whereas the CoJ will endeavour to ensure there are sufficient TEA buildings/TRAs to cater for Emergencies, the CoJ can only do so within its available resources. ;
- b) TEA Buildings/TRAs will be standardised insofar as this is possible to avoid inconsistent expenditures and budgeting;
- c) Depending on the circumstances of each case, it remains at the sole discretion of the CoJ whether to offer affected persons a TEA Building or TRA.
- d) The CoJ will ensure that the TEA building or TRA conforms to the applicable legal norms and standards.
- e) Affected persons may be differentiated for purposes of allocating TEA, for instance, families will be accommodated in family rooms whereas singles may be accommodated in dormitory style rooms.
- f) Where the CoJ cannot meet the demand for TEA out of its own resources, it may proceed to make an application to the PDHS for financial assistance.

17. FINANCIAL CONTRIBUTION

- 17.1.** Occupants will be expected to contribute financially towards the management and upkeep of the property through a cost recovery contribution unless a said occupant is deemed indigent or currently or temporarily unable to contribute through a determined needs assessment by the Department. An addendum for the charges will be developed by Housing Finance and approved by Council
- 17.2.** Those occupants who stay for a duration lesser than a month, will be allowed to stay charge free;
- 17.3.** Exception for any other situation where occupants cannot contribute will be considered on a case by case basis. approved by Council

18. FUNDING ARRANGEMENTS

The Programmes following funding streams will be utilised for policy implementation;

- a) Emergency Housing Grant (Disaster Grant) for temporary relief (temporary shelter & relocation) as a result of an emergency not declared a disaster;
- b) Temporary Emergency Accommodation (TEA), will be funded through the City's allocation for each financial year
- c) Emergency Housing Programme in line with Emergency housing code for the following:
 - i) Reconstruction of damaged houses and services; and
 - ii) Acquisition of land where required;
 - iii) Planning and facilitation;
 - iv) Interim/temporary basic engineering services on a shared basis (5 families per facility);
 - v) Temporary Relocation Units (TRAs) shelters and services to Informal Settlement Upgrading Programme projects
 - vi) Temporary Relocation Units (TRA's) for those impacted by a declared disaster outside the inner city

19. FUNDING ALLOCATION CRITERIA FOR EHG

The grant funding is intended to address the housing needs of households who for reasons beyond their control, find themselves in an emergency housing need such as:

- a) existing shelter has been destroyed or damaged by a disaster
- b) displaced from their existing houses due to a disaster
- c) relocation due to prevailing material (i.e. physical) conditions posing an immediate threat to the adequacy and safety of their existing housing as a result of a disaster
- d) The grant is allocated to provincial administrations/municipalities on application and approval thereof by the Accounting Officer of the national DHS

20. CONDITIONS FOR EMERGENCY HOUSING GRANT (EHG) FUNDING

- a) Shelter solutions funded from the grant must comply with the National Building Regulations and utilise material that comply with the SABS standards.
- b) Funds may only be spent on items and activities included in the application approved by the Accounting Officer of the National Department of Human Settlements.
- c) The City must submit a report within 30 days of the end of the quarter in which the funds are spent, outlining expenditure of the funds and documentary proof of services rendered. Thereafter monthly reports shall be submitted to the NDHS until the funds are fully utilised.
- d) Emergency procurement system as guided by MFMA/Treasury Regulations should be invoked to ensure immediate assistance to the affected communities.

21. ROLES AND RESPONSIBILITIES

21.1. National Department of Human Settlements

- a) Advise and guide the City about the existence of the EHG and how it can be accessed;

- b) Develop and publish the EHG application form template, in consultation with National Treasury and the NDMC;
- c) Monitor programme implementation including establishing and maintaining a register or database of human settlements disasters;
- d) Support the City to plan for potential disasters. This includes identifying communities/households that reside in unsafe conditions posing a threat to health and safety as well as households who live in areas prone to flooding and/or other disasters.
- e) Monitor the planning and priority development for communities/households residing in unhealthy and life-threatening circumstances and provide implementation assistance where required
- f) Facilitate a coordinated housing assistance intervention response in circumstances where disasters affected more than one Province/municipality.
- g) Coordinate assistance with the NDMC to ensure there is no duplication of funding with the provincial and municipal disaster grants.
- h) Seek approval from National Treasury for the disbursement of funds to provinces **within 10 days** of receipt of an application for funding from this grant.
- i) Notify the relevant provinces and provincial treasury of a transfer at least 2 days before transfer.
- j) Funds must be transferred no later than five days after notification;
- k) Transfer funds to the provincial administration with a clear stipulation of the purpose of the funds.
- l) Provide National Treasury with written notification of the transfer within 10 days of a transfer of the grant.

- m) Submit financial and non-financial reports to National Treasury within 20 days of the end of each month.
- n) Provide a performance report, within 45 days of the end of the quarter in which the funds were spent, to National Treasury using the disaster allocation monitoring template agreed to with the National Treasury.
- o) Together with the provinces monitor the implementation of funded projects.

21.2. Provincial Department of Human Settlements

Provinces are responsible for providing the first response in the immediate aftermath of a housing emergency

- a) Conduct initial assessments of disaster impacts to verify the applications for funding **within 5 days** following the occurrence of a reported incident that meets the conditions;
- b) Conduct assessments of disaster impacts together with the affected municipalities, to verify applications for funding, within 35 days of the incident while adhering to the requirements of the emergency housing programme;
- c) Confirm support to be provided by emergency housing programme to prevent duplication of support and resources;
- d) Submit requests for funding, monitor projects and provide reports to the NDHS, and Provincial Treasury.

21.2.1. In instances where Funding is required through the Emergency Housing Programme,

- a) Provide guidance and assistance to municipality.
- b) Collaborate with municipality in initiating and preparing application.
- c) Ensure coordination with any disaster management initiatives and other role -players.
- d) Consider application.
- e) Submit application to MEC with comments.

- f) Provide funds for projects through reservation/reprioritisation
- g) MEC considers application.
- h) Approve application.
- i) Conclude agreement with municipality.
- j) Monitor progress.
- k) Control and disburse funds.
- l) Provide assistance and support to ensure successful completion of the project.

21.3. City of Johannesburg: Housing

- a) Prepare and submit a complete application for the EHG in the event of disaster incidents occurring within their jurisdiction
- b) Upon approval of the application and receipt of funding, implement the intended relief measure (**emergency housing solutions**)
- c) Submit required reports to the **National Department of Human Settlements** on the expenditure of funds received
- d) Manage implementation of emergency interventions including establishing and maintaining a register or database of human settlements disasters in the municipality
- e) Plan disaster mitigation measures in collaboration with the relevant Local Disaster Management Centre; these include:
 - i. public awareness and community outreach initiatives in respect of disaster mitigation
 - ii. identifying communities/households that reside on inadequate land posing a threat to health and safety
 - iii. identifying households in areas prone to flooding and/or other disasters;
- f) Facilitate the release of municipal owned land for emergency housing and resettlement purposes;

- g) Facilitate that identified and prioritised communities and/or households are relocated and properly housed in formalised townships that comply with human settlement development norms and standards;
- h) Ensure that the shelter solutions **comply with the municipal integrated development plan, the National Building Regulations** and utilise material that complies with the South African Bureau of Standards;
- i) Monitor the planning and priority development for communities/households residing in unhealthy and life-threatening circumstances and provide implementation assistance where required.

21.3.1. In instances where Funding is required through the Emergency Housing Programme

- a) Plan proactively.
- b) Investigates and assess emergency housing need.
- c) Collaborate with the province in initiating and preparing applications.
- d) Submit application to PD.
- e) Implement.
- f) Provide undertakings.
- g) Develop permanent housing solution.

22. Meaningful Engagement

The City to undertake a process of meaningful Engagement with affected persons in Emergencies as soon as is reasonably possible. The Engagement process can occur before and after the implementation of the Policy. These may result in an agreement to relocate voluntarily during court application in the case of an eviction pending or permanent relocation in cases where areas or building is at permanent risk.

22.1. Engagement

The engagement shall include, but not be limited to:

- a) the number and circumstances of the Affected Persons;
- b) any special circumstances of the Affected Persons;
- c) the circumstances at the property;
- d) the location of the property in question;
- e) the current use of the property;
- f) the typology of the structure occupied by the Affected Persons;
- g) the availability of suitable temporary accommodation or vacant land within the area of the property;
- h) the circumstances giving rise to the circumstance in the case of an eviction;
- i) the willingness of the tenants in evictions to engage;
- j) whether in the City's view an eviction is likely to lead to homelessness,
- k) the implication of a delay to the Owner;
- l) whether mediation between the Evictee and Owner is possible as envisaged in section 7 of PIE; and
- m) The interests of the Owner and of the CoJ.
- n) The CoJ, Evictees and Owners should approach the Engagement process in good faith and with a willingness to listen to the concerns of each party and need not necessarily reach agreement on every aspect of the dispute. There is no *numerus clausus* of objectives that must be achieved during the Engagement process.
- o) The Engagement process should be open and transparent and any agreement resulting from the process shall be recorded in writing.
- p) The CoJ shall furthermore ensure proper record keeping of each step of the Engagement process.

- q) In the case of evictions from private property, the Engagement process will also include the Owner is willing to contribute to the efforts to provide alternative accommodation.
- r) An Engagement with the Evictees may take place in sessions or over several phases.

22.2. Presenting alternatives to various qualifying Evictees

- a) In the course of the Engagement process, the CoJ will use its reasonable endeavours to present the Evictees with alternative accommodation options for permanent housing, such as, but not limited to, BNG houses, affordable rental or social housing options.
- b) This presentation is based on the understanding that Evictees must comply with the relevant application procedures prescribed by the prospective landlords and/or State for these permanent options.
- c) The CoJ shall also take reasonable steps to provide Evictees with information on formal rental opportunities in the vicinity but will not be obliged to facilitate any further intervention.
- d) In these instances Evictees will negotiate and interact with the prospective landlord directly to the exclusion of the CoJ.
- e) Affected Persons who have not registered for or benefited from state-subsidised housing previously and who satisfy the qualifying criteria must apply for subsidies for permanent housing provided for under the National Housing Code. CoJ will make itself available to guide Affected Persons or Evictees in this regard.

23. Implementation Plan/ development for TEA

The department to develop an implementation plan for the provision of TEA or alternative temporary accommodation.

- a) TEA buildings consist in managed care facilities and are designed to accommodate Evictees on a temporary basis.

- b) TEA buildings will be required to continuously serve new Evictees and as a result thereof Evictees are not to consider TEA buildings a permanent housing solution under any circumstances whatsoever.
- c) As managed care facilities, TEA buildings will include the implementation of the managed cared model which involves the provision of social assistance to the Evictees in order to empower them thereby improving their personal circumstances and allowing them to become self-sustaining with the possibility of finding a permanent housing solution.
- d) House rules shall be applied at TEA buildings, which shall be fair and reasonable. The house rules that are to be applied may differ among TEA buildings.
- e) The CoJ shall be entitled, to the extent necessary, to move Evictees to temporary accommodation at another TEA following a process of Engagement with the Evictees.
- f) This should include the proactive identification of identifying and providing TEA facilities, the CoJ will take the following factors into consideration, *inter alia*,
 - i) demographic profile of Affected Persons;
 - ii) proximity of TEA from where the Affected Persons have been displaced;
 - iii) provision of basic municipal services such as water, sanitation, refuse removal and other municipal services;
 - iv) prospect of the allocation of permanent housing opportunities to the Affected Persons;
 - v) budgetary implications;
 - vi) availability of resources;
 - vii) strategic considerations and any other relevant cases;
 - viii) Ensure comply to the standardised model for City's emergency housing

23.1. Provision of TRA's

- a) The CoJ may provide Affected Persons with a TRA with basic municipal engineering services (water, sanitation and refuse removal).
- b) Where the CoJ provides Affected Persons with a TRA, it may provide materials to residents for the constructions of shelters, undertake the construction of the shelters itself or through a service provider or provide other forms of shelter as it deems appropriate.
- c) The materials or shelters provided shall at all times remain the property of CoJ and are intended for reuse, once residents vacate, return to their reconstructed homes (where their homes have been damaged by fire, storms or other severe weather elements and the site became temporarily unavailable) or enter into other formal housing programmes.
- d) Affected Persons in a TRA are not excluded from participating in and benefitting from the managed care model.
- e) Whether or not the managed care model will be made available to occupants of a TRA will be determined on a case-by-case basis. TRAs differ from TEA buildings in that there is the possibility of it becoming a permanent housing solution where studies demonstrate the site can be formalised and the CoJ decides to formalise the settlement.
- f) The decision to undertake such studies and to formalise the settlement shall be solely at the discretion of the CoJ.
- g) The CoJ shall be entitled, to the extent necessary, to move residents affected by an emergency to temporary accommodation in another TRA where necessary, following a process of Engagement with the Evictees.

23.2. Logistics for Relocation

- a) Where an application for TEA is successful, the CoJ may assist the Affected Persons with transport to the TRA or TEA building.

- b) Where necessary, a reasonable timetable for the relocation should be made available to the Affected Persons. Home property of tenants in a TEA, apart from their personal use belongings, will be noted in a register and shall be signed off by the relevant CoJ official and countersigned by the tenant who owns the property.
- c) The property will then be placed in secure storage until such time the tenant leave the TEA facility and collect their property or until a period of two months has passed since the tenant left the TEA after which the CoJ will dispose of the property as it sees fit.

24. Exit Strategy

The Department to develop an exit strategy to ensure the accommodated household are able to exit within the specified time. The exit strategy should include but is not limited to:

- a) Management of the units
- b) Maintenance plan for the units
- c) Identifying possible permanent solutions for resettlements

This should be developed and approved within 90 days after the policy is approved

25. SHORT TITLE AND COMMENCEMENT

This Policy together with the annexures set out in this document is the only document that regulates TEA and shall be called the Temporary Emergency Accommodation Provision (TEAP) Policy and shall come into operation on the date of final adoption by the Council of the CoJ.