



Housing Allocation Policy

DOCUMENT CONTROL

Responsible Unit: Human Settlements, Policy, Planning & Research Directorate

Version number: Final

Document status: Approved Document

Approval date: 25 February 2021 (Council)

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ABBREVIATIONS AND ACRONYMS

BNG	Breaking New Ground previously termed RDP Housing
CoJ	City of Johannesburg
CRU	Community Residential Unit
DSD	Department of Social Development
ED	Executive Director
FLISP	Finance Linked Individual Subsidy Programme
HSS	Housing Subsidy System
JDA	Johannesburg Development Agency
JSIP	Johannesburg Strategic Infrastructure Platform
JOSCHO	Johannesburg Social Housing Company
JPC	Johannesburg Property Company
MEC	Member of the Executive Council
MMC	Member of the Mayoral Committee
NHNR	National Housing Needs Register
SASSA	South African Social Security Agency
SHI	Social Housing Institutions
SPRE	Special Process for the Relocation
TEA	Temporary Emergency Accommodation
The City	the City of Johannesburg Municipality
POPI Act	Protection of Personal Information Act, No 4 of 2013

DEFINITIONS:

In this policy –

1996 / 1997 waiting list	refers to beneficiaries who registered with the City for a housing need in 1996/1997
Affordable (Gap) Housing	means housing opportunities created and promoted by government, in partnership with the private sector, for first-time South African home owners earning a combined monthly income of between R3500 and R15 000 as governed by the Finance Linked Individual Subsidy Programme (FLISP).
Aged persons	means a person who is 60 years and older in terms of the South African Social Services Social Grants directives.
Approved Beneficiary	means an applicant that has an approved subsidy but has not Been allocated their house
Allocated beneficiary	means an applicant that has been allocated both the subsidy and has Taken occupation of their house
Backyard dwellers	means people who live in both formal and informal structures within formal and informal developed areas.
Beneficiary	means a person who will be benefiting from any government housing programmes.
Community Residential Unit	are state rental units consisting of existing and newly developed refurbished public housing rental stock created for low income persons and households whose monthly income is from R750 to R3500 (or as amended by the National Department of Human Settlements).
Department of Housing	refers to the Housing Directorate in the City of Johannesburg Municipality which administers and manages the City's Housing Programmes.
Dependant	means a person who relies on the beneficiary for financial support.

Exceptional Housing Need	means a situation where an applicant is assisted on a priority basis as recommended by the Housing Allocation Oversight Committee and approved by the MMC for Housing.
Family member	means the owner, a relative of the tenant or a relative of the tenant's spouse or partner, such as a child, grandchild, mother, father, brother or sister.
Greenfields Project	means a project component occupying a greenfield site (undeveloped land) on which there are no pre-existing legal occupants, and for which the municipality has discretion to select beneficiaries, provided they are eligible for the subsidy.
Household Income	means a combined income of the applicant and spouse to be considered for eligibility of a housing opportunity.
Housing Database	means the municipality's housing database comprising of persons who have registered a need of housing assistance
Housing Opportunity	means access by qualifying beneficiaries to a serviced site or living units in any government housing programme as amended by the relevant authority. They include:
Housing Programmes	means the range of housing programmes provided for in the National Housing Code.
Housing Subsidy	means a grant paid by government to qualifying beneficiaries to be used for housing purposes. The subsidy is either paid to a seller of a house or, in new developments, it is used to finance the construction of a house that complies with the ministerial minimum norms and standards.
Informal Settlements	means a group of housing units that have been constructed on land that the occupants have no legal claim to, or occupy illegally. They are unplanned settlements and areas where housing is not in compliance with current national planning and building regulations.
Lease Agreement	means the legal agreement between the lessor (The City of Johannesburg Municipality or its partners) and lessee.
Lessee	means the tenant renting the property.

Lessor	means the City or partner leasing the property.
National Housing Code	means the document containing national housing policy, guidelines, norms and standards in terms of Section 4 of the Housing Act, No. 107 of 1997.
National Housing Needs Register	is a national government database of individuals seeking various housing opportunities and subsidies.
Non-Qualifiers	mean those applicants who do not meet the national criteria for a housing subsidy as outlined in the National Housing Code.
Public record	means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body (as per POPI Act 2013);
Qualifying Criteria	means the criteria set out in the National Housing Code specifying the requirements for applicants to qualify as beneficiaries for various housing opportunities.
Rightsizing	means the placing of a household in accommodation that is appropriate for their needs and income.
Social Housing	means rental housing constructed and managed by the City's social housing partners in terms of the National Social Housing Act, 2008 <ul style="list-style-type: none"> i. Social Housing means a rental or co-operative housing option for low to medium income households at a level and scale which requires institutionalized management which is provided by social housing institutions or delivery agents.
Special Needs Category	refers to individuals who are disabled, the aged, child-headed households and military veterans.
Stay Application Buildings	refers to the priority list of the City's problem buildings which might require Temporary Alternative Accommodation as listed in the Stay Applications made to the Southern Gauteng High Court.
Tenure	means the conditions under which land or buildings are occupied.

PROBLEM STATEMENT

- 1.1. The demand for affordable housing surpasses supply of suitable housing for the poor in the City of Johannesburg. Housing allocation becomes one of the key components in the housing provision value chain in the reduction of the housing backlog for the City. Allocation has been barred with various issues ranging from illegal subletting, lack of transparency, allegations of corruption and nepotism, the “jumping the queue” phenomena in informal settlements, infrastructure theft and vandalism. Whilst concerted focus is put on responding to the increased demand for housing against the severely slow housing supply for those in need, there needs to be a clear, fair and transparent process to allocate all provided housing solutions.

2. POLICY OBJECTIVES

- 2.1. **The main objectives of this policy are:**
 - 2.1.1 To set out a criteria, processes and procedure for the selection of qualifying beneficiaries through the fair, transparent and equitable allocation of housing opportunities to qualifying applicants; and
 - 2.1.2 To prescribe a clear allocation criteria to ensure a more precise allocation process

3. POLICY PRINCIPLES

- 3.1. The following principles guide this Housing Allocation Policy:
 - 3.1.1 **Pro-poor:** initiatives aimed at the development of the City’s most underprivileged and indigent; ensuring that their circumstances are proactively addressed.
 - 3.1.2 **Redress:** the active engagement in addressing the legacy of unequal development in the City that has resulted in dire living circumstances of people residing in inhumane circumstances; those existing in condemned and overcrowded buildings; and those facing unlawful evictions from land and structures.
 - 3.1.3 **Fairness:** all persons to be treated impartially and just, without favouritism or discrimination during the application and allocation process.
 - 3.1.4 **First-Come-First-Serve:** establish a queuing system where qualifying applicants are ranked based on their order of registration with **the National Needs Register**

& City of Johannesburg's waiting list register, considering the year, date & day (where possible) in which they were registered.

- 3.1.5 **Equity:** all persons have equal opportunity in applying for housing assistance in accordance with the applicable National Housing Subsidy Programme.
- 3.1.6 **Transparency: ensure all processes are clear and** people have reasonable access to the processes followed in selecting and ranking applicants for housing opportunities.
- 3.1.7 **Administrative Independence:** No Councillor or City Official may get involved in any allocation process or make any commitment on behalf of the City regarding beneficitation.
- 3.1.8 **Integration:** this policy is implemented in a manner that promotes collaboration, social cohesion and integration in the City.

4. THE LEGISLATIVE FRAMEWORK

- 4.1. The following legislation and policy informs the guiding principles and implementation of this policy:
- 4.2. **The Housing Act, 107 of 1997** aims to establish and maintain habitable, stable and sustainable public and private residential environments to ensure viable households and communities in areas allowing convenient access to economic opportunities, health, education and social amenities (Republic of South Africa, 1997:141). The Act together with the Constitution further outlines the role of the national, provincial and local governments in relation to provision of housing (Republic of South Africa, 1997:139). The Act further accredits municipalities to manage national housing programmes through active housing development and addressing the issue of land, services and infrastructure provision with an intention of creating a conducive environment that is suitable for housing development within the area of their jurisdiction.
- 4.3. **The Urban Development Framework, 2000** gives the policy framework for planning and implementing all programmes undertaken in urban areas and for achieving coordinated and integrated budgeting. The Framework helps to achieve a consistent urban development approach for effective urban reconstruction and the development of policies, strategies and

actions of stakeholders in the urban development process (Department of Human Settlements, 2000:22).

- 4.4. **The Breaking New Ground, 2004** aims to promote the achievement of a non-racial, integrated society through development of sustainable human settlement and quality of housing. The key element of this framework includes public transport planning, integrating land use, mixed land-use development, facilitating higher densities and more compact urban forms that minimising congestion travelling distances. The Plan leverages for economic growth, in promoting social cohesion, combating the prevalence of crime, and in improving the quality of life for the poor (Department of Housing, 2004:7).
- 4.5. **The Inclusionary Housing Policy, 2007** strives to harness the private sector in the delivery of housing to middle- and higher-income households and ensure the delivery of affordable housing opportunities for low-income households. The key objective of inclusionary housing is to enhance greater social integration and to deplete highly segregated areas in the built environment – encouraging a socio-economic balance in residential developments and contributing to the provision of affordably priced housing (Department of Housing, 2007:9).
- 4.6. **The National Social Housing Act, 2008** defines the functions of national, provincial and local governments in respect of social housing and establishes the Social Housing Regulatory Authority as the regulator of all social housing institutions obtaining or having obtained public funds. It permits for the undertaking of approved projects by other delivery agents with the benefit of public money and gives statutory recognition to social housing institutions.
- 4.7. **The National Housing Code, 2009** outlines the fundamental policy principles, guidelines, norms and standards, which apply to government’s different housing assistance programmes (Department of Human Settlements, 2009:9). The Code echoes government’s vision for housing development, providing an extensive description of existing housing programmes such as the Integrated Residential Development Programme, The Emergency Housing Programme and The Social Housing Programme.
- 4.8. **The Spatial Development Framework, 2016** defines the strategic spatial areas to be used in the City’s capital investment prioritisation model (Johannesburg Strategic Infrastructure Platform – JSIP). This will ensure that infrastructure investment is directed to areas with the highest potential to positively impact on the development trajectory of the city. It addresses

major issues in Johannesburg's spatial and social landscape, concerning pressure on the natural environment and green infrastructure, urban sprawl and fragmentation, spatial inequalities and the job-housing mismatch, exclusion and disconnection and inefficient residential densities and land use diversity.

4.9. **Temporary Emergency Accommodation Policy 2019** aims to facilitate the provision of Temporary Emergency Accommodation (TEA) to Evictees who may find themselves in an emergency of exceptional housing need. The policy provides guidance to municipal officials, evictees and owners to engage with each other and provide a plan to reach a mutually beneficial outcome.

4.10. **Serviced Stands Policy 2019:** provides and guides provision of housing opportunity for non-qualifiers within the National Housing Code: integrated Residential Development Programme (IRDP), Finance Linked Individual Subsidy Programme (FLISP), Individual subsidies as well as Informal Settlements Upgrading Programme (UISP). Whilst the provision of the access to adequate housing has been largely implemented for qualifiers, a response to cater for those that have fallen in the gap due to various circumstances remains.

4.11. **Protection of Personal Information Act No 4, 2013**

This Act ensure the protection of rights to access to personal information from any harm. This enables for prevention against people's money being stolen, to stop their identity being stolen, and generally, to protect their privacy, which is a fundamental human right.

The department is entrusted with applicants and beneficiary personal information as an organ of state. Through its interaction, no unlawful use of private information or sharing thereof for other purposes other than for official housing planning, allocation and monitoring purposes.

5. ROLE PLAYERS AND STAKEHOLDERS

- 5.1 The implementation of this policy requires interventions by a number of City departments and entities. The respective responsibilities of those involved are summarised below:
- 5.2 The **National Department of Human Settlements** is responsible for administering the Housing Subsidy System (HSS) and the National Housing Needs Register (NHNR). The Department may appoint external auditors to investigate a particular allocation process.
- 5.3 The **Provincial Department of Human Settlements** will provide the City with the necessary support and communicate their allocation list for Council to note, where the City is not the allocating agent. The department will also ensure it holds joint allocations committee meeting with the City for all allocation purposes.
- 5.4 The **Housing Allocation Oversight Committee** will monitor the implementation of the policy & compliance with its prescript.
- 5.5 The **MMC for Housing** shall endorse the targeted areas and percentage beneficiary splits as in line with the approved criteria by the Council, and in line with this policy.
- 5.6 The **Allocations Sub-Directorate** in the Housing Department will be responsible for the efficient and effective implementation of this policy. The Head of the Unit will be responsible for ensuring adherence with the provisions of the allocation policy and to establish task teams to efficiently, execute the prescript. The unit will also ensure beneficiary education is undertaken across all regions on regular basis.
- 5.7 **Applicants** are required to register their need for housing on the National Housing Database through the City. All applicants registered must inform the City's Housing Department on any changes in personal information such as address, marital status, income, or special needs and disabilities. Applicants must at all times ensure they are contactable by updating their contact details with the Housing Directorate.

6. NATIONAL QUALIFYING CRITERIA FOR HOUSING ASSISTANCE

- 6.1. The qualifying criteria will be in line with the National Housing Code 2009¹ and will be reviewed in line with the subsequent amendments to the code, in order to be eligible for a housing subsidy. The applicant must:
- (a) Lawfully reside in South Africa - as a citizen of the Republic of South Africa or in possession of a permanent residence permit. Certified copies of the relevant documents must be submitted with the application;
 - (b) Be legally competent to contract i.e. over 18 years of age; legally married or divorced; single with dependants and of a sound mind;
 - (c) Be married with financial dependents: He or she must be married (in terms of civil law or customary union) or habitually cohabits with a partner, or single and has proven financial dependents;
 - (d) Earn a monthly income: Gross monthly income does not exceed R3 500 per month in the case of a BNG² house, and R7000 per month in the case of FLISP, as approved by the National Department of Human Settlements;
 - (e) Not have previously benefited from government housing assistance directly or indirectly through a spouse;
 - (f) Be a first time property owner: He or she is acquiring property for the first time, and does not have fixed residential property
 - i. except in the case of relocation assistance or where property is acquired through the Land Restitution programme
 - (g) Special needs categories such as disabled³, the aged, child-headed households and military veterans⁴;
 - (h) The above criteria will be adjusted in terms of amendments which may be made by the National Department of Human Settlements from time to time.

¹ Department of Human Settlements. 2009. National Housing Code. Pretoria, South Africa

² Department of Housing. 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*. Pretoria, South Africa.

³ Disabled persons must comply with the criteria as defined by the Department of Social Development (DSD)

⁴ In line with the provisions of Military Veterans Act 18 of 2011

7. GREENFIELDS AND MIXED DEVELOPMENTS

Policy Intent

- 7.1.1. Greenfield and Mixed Developments cater for the relocation and allocation of households from informal settlements, those residing in overcrowded conditions, such as backyard dwellers and for individuals seeking assistance from the National Housing Needs Register and City's Housing Database.
- 7.1.2. These developments are also intended to address the beneficiaries in the National Housing Need Register and enable allocation for such qualifying individuals.

7.2. Allocation Guidelines

- 7.2.1. To achieve the desired integration of the different communities within the Greenfield and Mixed Developments, the following households will be prioritized and allocated to these developments:
 - i. Households that are part of targeted informal settlements identified for relocation to the project.
 - ii. Households on the 1996 / 1997 on the National Housing Needs Register.
 - iii. Approved Beneficiaries (subsidies) not yet allocated (either due to being linked to a project that is fully enrolled) across all regions , with the right of refusal for allocation
 - iv. Individuals residing in informal settlements and targeted areas who are registered on the City's Housing Database.
- 7.2.2. All units in all Greenfield and Brownfields Development (inclusive of any households from informal settlements) should be allocated to qualifying applicants provided they are on the National Housing Needs Register, who reside within the Region of the project area. However, the Municipality reserves the right to alter the percentage allocated where stipulated by a resolution of Council.
 - i. **10%** of the sites will be reserved for the aged and people with disabilities
 - ii. **5%** to be allocated to military veterans, (if there are any in the region), if not this percentage can be added towards the qualifying beneficiaries outside the specialised groups on first time first serve bases within the region and in line with the Council resolution.
 - iii. **50%** to be allocated to 1996/97 within the region, on first come first serve basis (application date to serve as a determiner of priority)

- iv. **20% to the individuals who hold approved subsidies but not yet allocated (these are those that were enrolled on full projects and classified as benefitted).**
- v. **The remaining 15%** will cater for other households who meet the qualifying criteria on a *first come, first serve basis* from the City's Housing Database (or National Housing Needs register in the absence of the City's queueing system) within the region as per council resolution.
- vi. **In a region where none or some of the categories do not apply (do not exist), the allocation will retain the existing categories with the allocated percentage and allocate the remainder to beneficiaries in the region on first come first serve basis as per council resolution.**
- vii. Where none of the above categories apply , allocation will commence of the first come first serve basis for all registered applicants in the National Housing Needs Register as per council approval.

8. APPLICATION OF THE POLICY:

The policy will apply to all applicants that require government assistance and fall within the qualifying criteria as set out in National Housing Code 2009, as outlined in section 7. Beneficiaries must comply with the Application Process in order to benefit from the opportunity. The Process is outlined in the Allocations Standard Operating Procedure (see Annexure).

8.1. TEMPORARY EMERGENCY ACCOMMODATION

8.1.1. Policy Intent

- a) The City of Johannesburg is required to meet its constitutional and statutory obligations in the provision of Temporary Emergency Accommodation (TEA)/ Temporary Emergency Units (TRU) , in Emergencies as indicated in Chapter 12 of the Housing Code (2009).
- b) The policy addresses circumstances where all affected households have suffered due to a disaster, eviction and crises leaving them destitute.
- c) It provides temporary relief to all households in a state of exceptional housing need -those living in unsafe conditions, or rendered homeless are assisted through the provision of secure access to land, infrastructure services and shelter.
- d) The temporary relief should be for specific period whilst a permanent solution is sought, privately and through government processes, where this lies with the state.

8.1.2. Allocation Guidelines

- a) Allocation into TEA is based on a first come first serve basis, with the exception of Stay Application buildings.
- b) The beneficiaries must be South African citizens, Permanent Residents and/or documented Foreign Nationals.

8.1.3. Disqualification or Limited Assistance

- 8.1.3.1. Applications for TEA may be disqualified or limited assistance provided where Evictees:
- i. Are in a position to address their housing emergency from their own financial or other resources, including the proceeds of superstructure insurance policies;
 - ii. Have caused their exceptional housing need;
 - iii. Emergency housing can be remedied through the provision of time to vacate their current residence;
 - iv. Have provided false or misleading information to the City in regard to the provision of TEA;
 - v. Refuse to engage with City Officials;
 - vi. Are undocumented foreign nationals, (this category will be referred to Department of Home Affairs for processing);
 - vii. Refuse to apply for TEA;
 - viii. Previously benefitted from state-subsidized housing opportunities; and
 - ix. May not be allocated in TEA for more than two (2) consecutive times.

8.2 THE FORMALISATION OF INFORMAL SETTLEMENTS

8.2.1. Policy Intent

8.2.1.1. The purpose of this policy is to guide the process to be followed in the allocation of serviced erven or BNG housing located within an Upgrading of Informal Settlement Programme (UISP) project in the City. The upgrades cater for people living in that specific informal settlement if they qualify for the housing opportunity as per the qualifying criteria outlined in this policy.

- 8.1.3.2. Settlements that are earmarked for in-situ upgrading, serviced stands shall be provided to the inhabitants of such informal settlements in line with the qualifying criteria as

outlined in the Informal Settlement Upgrading Programme in the National Housing Code 2009.

- 8.1.3.3. Subsequently, inhabitants who dwell in inhabitable land, which is privately owned or unsuitable for a human settlement development, shall be eligible for relocation. This is provided they qualify as per the outlined qualification criteria in in section 6 above, and have registered their housing need on National Housing Needs Register.

8.1.4. Relocation of Beneficiaries

- 8.2.2.1. In cases where relocation is unavoidable, it should be based on the principle of minimal disruption to the affected persons. Persons qualifying on the national qualifying criteria for housing assistance should be relocated to a site as close as possible to the existing settlement. A relocation strategy should be developed in consultation and in collaboration and agreement with the community, in line with the approved IDP.

- 8.2.5 In cases where there is a need to relocate households on an urgent basis to provide access to areas for the provision of municipal engineering services, the Department of Housing will submit an application for the National Housing Programme: Housing Assistance in Emergency Circumstances to the National Department of Human Settlements for EHG approval.

8.2. Allocation Guidelines

- 8.2.1. In principle, residents of informal settlements undergoing relocation will be allocated a BNG house or serviced erven in relocation projects subject to them meeting the national qualifying criteria as outlined in section 6 of this policy.

- 8.2.2. The following procedures are to be followed in the case of informal settlement for relocations: -

- i. The total number of dwellings in an informal settlement must be identified, quantified and verified to inform upgrading plans.
- ii. Community consultations with affected individuals will determine the sufficiency of the planned units to accommodate all qualifying residents and derive alternative solutions to accommodate those qualifying residents that are not located for.
- iii. During the allocation process, a site or unit is allocated to a qualifying household currently residing in that informal settlement, provided they have registered their need on the City's

Housing Database. Housing opportunity allocations shall occur in a manner of first-come-first-serve and priority ranking on the list, with one informal dwelling receiving one new housing unit. The occupants must submit all relevant documentation, be verified on the Housing Subsidy Scheme (HSS) and sign a sales agreement.

- iv. If there are invasions in existing settlements when upgrading is imminent, they are to be reported to the Department of Housing and penalty points on the individuals will be rendered on the City's Housing Database affecting their priority ranking on the list.
- v. On handover of the unit, a D4 certificate (happy letter) acknowledging receipt and acceptance of the house is signed, and a registered Title deed where township establishment has been completed or settlements meet acceptable standards and are approved by Council.
- vi. Those households in the informal settlement who do not meet national criteria will be referred to other subsidy instruments available in the City such as Social Housing, economic Rental Units, Serviced Sites and FLISP depending on the circumstances of each case.
- vii. The housing needs of non-qualifiers that are not lawful residents of South Africa and/or do not have proper documentation will not be rendered. These individuals will be referred to the Department of Home Affairs.

8.3. . ECONOMIC RENTAL UNITS (CITY'S RENTAL STOCK)

8.3.1. Policy Intent

- 8.3.1.1. The policy is intended to regulate and provide guidelines on the management of Economic Rental Units for the City.
- 8.3.1.2. The following types of Economic Rental Units are covered by this policy:
 - i. General Public Rental Housing including houses; flats
 - ii. Housing designated for the elderly (Old age Rentals Accommodation)
 - iii. Housing for persons receiving government grants other than old age pensions.
- 8.3.1.3. Economic Rental Units will be allocated to households registered in the National Housing Needs Register on first come first serve basis .

8.4. OLD AGE RENATL ACCOMMODATION

8.4.1. Policy Intent

- 8.4.1.1. The City has 2100 residential units, managed by the Housing Department, that have been reserved to accommodate senior citizens. The Aged applicants on the database and existing aged tenants qualify to reside in these units. These units are located in 46 estates that are situated in 4 Regions, (Regions B, C, F and G).
- 8.4.1.2. The facilities are currently rendering accommodation services only for citizens that do not require any frail care services.

8.4.2. Qualifying Criteria

- 60 years and above
- Income not exceeding R3500 per month
- Should be physically able to care for self, provide DR's medical report not older than 3 months
- Should not have any dependents that reside with them

8.4.3. Allocation Guidelines

- a) The Department of Housing in partnership with Social Development shall appoint caretakers to manage the Retirement Villages. The role of the caretakers shall be to ensure that these facilities are well maintained and report any vacant units to the Allocations Sub-Directorate in the Department of Housing.
- b) The Department in partnership with Social Development Department shall access all applicants prior allocation.
- c) Applicants are expected to provide a Doctor's letter that confirms they can reside in independent care
- d) In the event of bereavement, a tenant married to a spouse who has reached the qualifying age, such a surviving spouse shall be right sized for other housing opportunities, provided she/he is willing to apply for such an opportunity.
- e) No unauthorised person other than the allocated person/s shall be permitted to live in the Senior Citizens Accommodation
- 8.4.3.1. Priority will be given to persons who do not own property and those that own property outside the Province.
- 8.4.3.2. Before a prospective beneficiary is given an application form, a Deeds Search should be undertaken to determine whether the applicant still owns private property in the province or has benefited from any of Government's Housing Opportunities (within the province) or once owned property which was acquired privately but has now been disposed (application forms are then issued).

- 8.4.6. Applications must be renewed by applicants every year to ensure the database reflects true need. Applicants who do not renew their applications will be flagged on the database and requested to vacate the units. No illegal occupation and subletting will be allowed.
- 8.4.7 A lease agreement for a maximum period of two years must be entered into prior to occupation. The tenant has the option to renew the lease agreement on expiry. Units comprising of more than one bedroom may only be allocated to persons with dependant(s) provided the dependant is not a spouse or a partner.
- 8.4.8. In Instances where the tenant becomes ill and required to move to an old age facility, where there is assistant care or frail care centres. The City will refer the tenant to suitable facilities and assist in placement, but cannot be held liable for non-placement or unsuitable placement (where the state has to act on behalf of the tenant where no next of kin can be located to ensure a smooth transition and placement).
- 8.4.9 In cases where the beneficiary's affordability changes, or their family structure, the household is encouraged to occupy a new unit in alignment to their revised affordability through rightsizing.

8.5. ECONOMIC RENTAL (HOUSING STOCK

8.6. Allocation Guidelines

- 8.6.1.1. The Economic Rental Units are subsidised by the Municipality and are designated for poorer households of a combined income to be between R3501 - R7000 per month (gross). The latest financial and family circumstances will be taken into account when a lease entered into.
- 8.6.1.2. The applicant must not have benefitted from other housing programmes being implemented by the City.
- 8.6.1.3. Priority will be given to persons who do not own property and those that own property outside the Province.
- 8.6.1.4. Before a prospective beneficiary is given an application form, a Deeds Search should be undertaken to determine whether the applicant still owns private property in the province or has benefitted from any of Government's Housing Opportunities (within the province) or

once owned property which was acquired privately but has now been disposed (application forms are then issued).

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- 8.4.8 In cases of death of a lessee, transfer of tenancy will occur where an immediate family member i.e. the spouse and/or child, who resided with the beneficiary and is competent to contract, may apply to enter into a lease agreement with the City. The national qualifying criteria for housing assistance (identified in 6.1) will be applicable.
- 8.4.9 In cases where the beneficiary's affordability changes, or their family structure, the household is encouraged to occupy a new unit in alignment to their revised affordability through rightsizing.

8.5 SOCIAL HOUSING

Policy Intent

- 8.5.1 Social housing refers to rental housing constructed and managed by the City's Social Housing Institutions (SHIs) and partners in terms of the National Social Housing Act, no. 16 of 2008. The main objective of the Social Housing Programme is to provide capital to housing institutions for the provision of affordable rental housing. The capital subsidy is allocated to the SHI such as the Johannesburg Social Housing Company (JOSHCO), to accommodate beneficiaries who qualify for a subsidy allowance.
- 8.5.2 These institutions provide affordable social housing to families who would otherwise be unable to afford accommodation. South African citizens with an income bracket between R3500 and R7500 per household, earn too much to qualify for free housing under the BNG scheme, but not enough to qualify for a bond or mortgage. This opportunity is to assist beneficiaries in this *missing middle* gap, serving the market for households whose total household income is between R3500 and R15000 per month.

Allocation Guidelines

8.5.3 Social Housing Institutions are responsible for developing and managing their own housing allocation policy and procedures.

8.5.4 Where the City requires Social Housing Institutions to manage the housing stock on their behalf; the allocations policy and procedure for the project will be agreed upon as part of the Service Level Agreement between the entities.

8.7. PUBLIC/ COMMUNITY HOSTELS

8.7.1. Policy Intent

8.7.1.1. To provide for a transparent and consistent process for allocating beneficiaries from the old hostels, to the newly built or refurbished family units and/or RDP Flats, based on their household income.

8.7.1.2. The City of Johannesburg is the custodian of community hostel facilities and provides services to the hostels. These services include the maintenance of hostels, the provision of water, sanitation, electricity and the removal of waste. These hostel units were historically created to house single-sex migrant workers, but since the dynamics of the units have changed on a gender and socio-economic scale.

8.7.2. Allocation Guidelines

8.7.2.1. The Public /Community Hostels will enable an allocation of units for full ownership, for qualifying beneficiaries (R0-R3500). This will enable the conversion of the CRU grant to full ownership as approved by the MEC, Gauteng Human Settlements (2019)

8.7.2.2. Occupants that do not qualify as per income and not have benefitted as per qualifying criteria in section 6 above, will be allocated units on rental basis, as part of CRU.

8.7.2.3. Before a prospective beneficiary is given an application form, a Deeds Search is done to determine if the applicant still owns property (in which case the request is declined) or has benefitted from any of Government's Housing Opportunities or once owned property which was acquired privately but has now been disposed (application forms are then issued).

8.7.2.4. Applications must be renewed by applicants every year to ensure the database reflects true need. Applicants who do not renew their applications will be flagged on the database and requested to vacate the units. No illegal occupation and subletting will be allowed.

- 8.7.2.5. A lease agreement for a maximum period of two years must be entered into prior to occupation. The tenant has the option to renew the lease agreement on expiry. Units comprising of more than one bedroom may only be allocated to persons with dependant(s) provided the dependant is not a spouse or a partner.
- 8.7.8 In cases of death of a lessee, transfer of tenancy will occur where an immediate family member i.e. the spouse and/or child, who resided with the beneficiary and is competent to contract, may apply to enter into a lease agreement with the City. The outlined national qualifying criteria for housing assistance will be applicable.
- 8.7.9 In cases where the beneficiary's affordability changes, the household is encouraged to occupy a new unit in alignment to their revised affordability through rightsizing.

8.8. SERVICED STANDS

8.8.1. Policy Intent

- 8.8.1.1. To provide a systematic process to build capabilities for the project roll out
- 8.8.1.2. Contribute to the provision of additional housing supply and dealing with the housing backlog;
- 8.8.1.3. Facilitate access to land for housing development & socio-economic activities to realise an integrated development approach in the city;
- 8.8.1.4. Promote land release for access to housing and spatial transformation;

8.8.2. Allocation Guidelines

The allocation of serviced stands programme should be implemented in the following manner;

- 8.8.2.1. The allocation should enforce a clear first come first serve criteria, however, prioritization will be determined in the following manner (i) aged; (ii) people living with disability, residents of Johannesburg, South African Citizens.
- 8.8.2.2. The department to make use of the biometric system when confirming and allocating beneficiaries, in line with the approved provincial allocations committee, making use of joint allocations committees and the process thereof
- 8.8.2.3. Only certified serviced stand should be allocated

- 8.8.2.4. Additional qualifying criteria to be applied in line with the City's approved Serviced Stands Policy.
- 8.8.2.5. The purchase price of stands be allowed to non-qualifying beneficiaries and be at the price equal to the cost of development of the stands, inclusive of:
 - (i) Land acquisition component; ·
 - (ii) Component equal to the cost of the provision of the municipal engineering services;
 - (iii) Component equal to the cost of the provision of bulk link services;
 - (iv) Cost for the provision of electricity to the unit; ·
 - (v) Cost for the provision of internal water and sanitation; ·
 - (vi) Transfer costs; and ·
 - (vii) Additional geotechnical
- 8.8.2.6. A database of allocated beneficiaries to be developed and updated on regular basis.
- 8.8.2.7. The first come first serve per region principle should apply (excluding the distinguished categories as per 7. 2.2 above)
- 8.8.2.8. This aspect of the policy will be in line with the City's Approved Serviced Stands Policy.

9. TRANSFER OF TENANCY

- 9.1. A transfer of tenancy is considered when the tenant divorces, dies or the remaining spouse/partner dies.
- 9.2. The tenancy may be transferred to the surviving spouse/partner or adult children on the death of a tenant;
- 9.3. The tenancy commences the day following the death of the contracted tenant as recorded on the death certificate;
- 9.4. The allocated individual will have to enter into a new lease agreement within three months of the transfer;
- 9.5. The conditions of the lease agreement will apply and the person will be liable of all applicable charges;
- 9.6. If the remaining occupants are minor dependants of the deceased tenant, then the tenancy may be transferred to a legally appointed guardian, with specified conditions and a contractual agreement entered into.

10. MONITORING AND EVALUATION

- 10.1 The Allocations sub-directorate will prepare monthly and quarterly reports for the MMC of Housing on allocated units, with full details of beneficiaries for monitoring and reporting purposes.

11. HOUSING ALLOCATIONS OVERSIGHT COMMITTEE

- 11.1 The Department of Housing will establish a Housing Allocations Oversight Committee for allocation purposes;
- 11.2 The members to serve on the Housing Allocations Oversight Committee will be appointed by the Executive Director (ED) for Housing and approval granted by the MMC for Housing, with a report submitted for Council approval;
- 11.3 The Housing Allocations Oversight Committee shall be chaired by the Deputy Director: Allocations and Beneficiary Education. The Chairperson will schedule the meetings of the Committee and provide monthly reports to the Director: Housing Support, who will in turn prepare quarterly progress reports to the Executive Director: Housing, detailing progress on projects, specific targeted areas and percentage beneficiary splits.
- 11.4 The Project Manager will be a member of the Housing Allocations Oversight Committee and is responsible for liaising with the City's Housing Allocations Oversight Committee, Regional Heads, other Stakeholder Municipal Officials, Provincial Government Representatives and relevant participant's relating to beneficiary selection, approval and allocation. These are outlined in the Housing Allocations Oversight Committee's Terms of Reference.
- 11.5 The quorum shall be ordinary 50% plus one and the secretariat function shall be undertaken by the Operations Manager in the Allocations Sub-Directorate.
- 11.6 A **Special Cases Committee** shall be constituted as an appellate on decisions of the Housing Allocations Oversight Committee. The Special Cases Committee shall comprise of:
- The City Manager or his/her designate;
 - The Executive Director of Housing or his/her designate;
 - The Housing Department Senior Management Team

- Regional Heads of the City's Department of Housing and

- Designated Officials

- 11.7 The Special Cases Committee shall deliberate on the appeals and objections received and note the decision or resolution provided. Where there are outstanding issues, recommend a suitable solution.
- 11.8 **The Housing Allocations Oversight Committee will gazette the beneficiary allocation list in the local newspapers and in the community halls where projects are located for transparency purposes (subject to Council approval).**
- 11.9 The MMC for Housing shall recommend and endorse the decisions of the Housing Allocations Oversight Committee, the projects, targeted areas and percentage beneficiary splits as depicted in the Mayoral Committee report for approval by Council.
- 11.10 The Department of Housing will nominate three officials, with approval granted from the ED and MMC to serve in the provincial joint allocation's committee, for provincially implemented projects within the City's jurisdiction, to ensure transparency and alignment.

12. COMMITTEE VETTING

- 12.1 All appointed Housing Allocations Oversight Committee, members will be vetted prior to serving in the Committee;
- 12.2. At the beginning of each Committee meeting sitting, the Chairperson should ensure that all members sign declaration of interest forms, for transparency purposes;
- 12.3. Where there might be conflict of interest the member can be excused for that particular sitting.

13. DEVIATIONS

- 13.1 No deviation from this policy is permitted unless the deviation is approved by resolution of Council.
- 13.2 Any deviation must be duly recorded and noted by the Housing Allocations Oversight Committee and accompany the report for Council approval.

14. QUERIES, OBJECTIONS AND APPEALS

- 14.1 Applicants currently on the City Housing Database have the right to appeal, query or object to their exclusion from selection for a housing project but only on the following grounds:
- i. Due process as contemplated in this policy had not been followed; or
 - ii. On providing proof of an earlier date of registration on the database.
- 14.2 The appeal must be directed to the City Manager in terms of Section 62 of the Municipal Systems Act, and must be lodged within seven working days (7) after the publication of allocation list by the Housing Allocations Oversight Committee;
- 14.3 The appeals shall be dealt with by the **Special Cases Committee** who will give recommendations of the appeal to the MMC for Housing.
- 14.4 The MMC for Housing will provide a decision in writing within 30 days after receiving the objection, query or appeal.
- 14.5 Should the matter not be resolved to the applicant's satisfaction, an appeal can be lodged with the Executive Mayor for a final decision on the matter.

15. POLICY REVIEW

- 15.1 The Housing Allocation Policy will be reviewed by The Department of Housing's Policy and Research unit every two (2) years or earlier that this if required by Council or in terms of a directive from the National Department of Human Settlements.
- 15.2 The Department of Housing's Policy and Research Directorate in conjunction with Allocations Sub-Directorate will ensure to develop the following guidelines, to:
- i. Monitor compliance of this policy;
 - ii. Measure the success and impact of this policy;
 - iii. Measure the success of programmes and projects that are implemented as a result of this policy against the stated objectives of the policy; and
 - iv. Ensure that the policy meets its stated objectives.
 - v. Reporting on vacant units within 24 hours of availability
- 15.3. The Department of Housing's Policy and Research Directorate shall be responsible to review and amend the policy as per recommendations arising out of implementation.

16. EFFECTIVE DATE OF THE POLICY

16.1. This policy comes to effect on the day being assented by the MMC and subsequently passed as a Council Resolution for concurrence.

17. REFERENCES:

1. Department of Human Settlements. 2009. National Housing Code. Pretoria, South Africa
2. Department of Housing. 2004. *Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements*. Pretoria, South Africa.
3. Department of Housing. 2007. *Inclusionary Housing Policy*. Pretoria, South Africa.
4. Department of Housing. 2008. *Social Housing Act*, (Act No. 16 of 2008). Pretoria, South Africa
5. Gardner, D. 2003. *Getting South Africans under shelter: An overview of the housing sector*. Urban Institute
6. Housing Development Agency. 2012. Implementation of Emergency Housing.
7. Republic of South Africa. 1997. *The Housing Act*, no. 107 of 1997. Juta Statutes of South Africa 2011/2012, 16.