

SETSOTO LOCAL MUNICIPALITY

HOUSING POLICY


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HOUSING POLICY

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This housing policy attempts to expedite housing delivery to homeless residents of Setsoto Local Municipality. The following components are covered in the policy:

- ❖ Housing allocation policy;
- ❖ Housing database; and
- ❖ Regulation of informal settlements, land invasion and evictions from land.

The main aim is to outline the policy parameters, objectives and procedures to be followed in addressing the above issues.

1.1 Legislation and policy framework

Although not exhaustive, the following legislation and policies provide the appropriate legislative framework within which the Setsoto Housing Policy is drafted:

- ❖ Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- ❖ Interim Protection of Land Rights Act, 1996 (Act No 31 of 1996)
- ❖ Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998)
- ❖ Extension of Security of Tenure Act, 1997 (Act No 62 of 1997)
- ❖ Development Facilitation Act, 1991 (Act No 67 of 1995)
- ❖ Less Formal Township Establishment Act, 1991 (Act No 113 of 1991)
- ❖ Municipal Systems Act, 2000 (Act No 32 of 2000)
- ❖ Local Government Municipal Finance Management Framework Act, 2003 (Act No.56 of 2003)
- ❖ Housing Act, 1997 (No 107 of 1997)
- ❖ Rental Housing Act, 1999 (No 50 of 1999)
- ❖ Housing Code, 2000
- ❖ Free State Housing Act, 1999 (No 7 of 1999)
- ❖ Free State Township Ordinance, 1967 (No 9 of 1967)
- ❖ National Environmental Management Act, 1998 (No 107 of 1998)
- ❖ White Paper on Energy
- ❖ Moving South Africa Strategy and White Paper on Transport
- ❖ White Paper on Local Government

2 Housing Database

2.1 Introduction

Without a database Council finds it difficult to know the extent of housing need within the Municipality. Database shall be the main source of housing information in in Setsoto Local Municipality (SLM). It will determine the extent of housing needs within the municipality and shall be integral in deciding erven/housing allocations.

2.2 Objectives

- 2.2.1 Promotion of fair administrative justice in the administration of housing allocations;
- 2.2.2 Centralisation as well as decentralisation of all housing information;
- 2.2.3 Database shall serve as the core instrument in the implementation of housing and site allocation; and
- 2.2.4 Shall serve as a planning tool to housing planning and infrastructure development.

2.3 Development of the Housing Database

- 2.3.1 The municipality shall develop a ward based erven/housing waiting list for South African Citizens with Green Bar Coded ID only.
- 2.3.2 The Housing Department shall set up a computerized housing and site database separately for every ward.
- 2.3.2 The database shall be server based and will be stationed in the offices of the Housing Department.
- 2.3.3 Ward Councillors and Ward Committees shall be responsible for compiling a list of all residents who need erven/subsidy houses from their respective wards.
- 2.3.4 A waiting list shall be compiled and or purified in the first quarter of every new financial year.
- 2.3.5 The housing department /section shall consolidate the list and table it to Council for adoption.
- 2.3.5 The adopted waiting list by Council shall be the only official list to be implemented whenever erven/ subsidy allocation are made.
- 2.3.6 Erven/subsidy allocations shall be distributed fairly and equitably in respective wards as determine by the municipal Manager In consultation with the Mayor.
- 2.3.7 The Municipality shall put aside two percent (2%) of total erven available for its officials and Councillors as a preferential treatment.
- 2.3.8 Officials/Councillors applications shall be considered by the Director Human Settlement in consultation with the Municipal Manager.
- 2.3.7 A [REDACTED] to oversee the management of the Housing Database.

2.4 Database for middle to high residential areas

- 2.4.1 Middle to high residential erven shall be advertised in Local Newspapers as and when they are available.
- 2.4.2 Middle to high residential erven shall be sold on a first come basis.
- 2.4.3 Preference will be given to those with a cash payment.
- 2.4.5 Six to twelve month's payment would be regarded as cash payment for the previously disadvantaged Africans.
- 2.4.5 Single mothers/women will not be denied an erven on the basis of cash payment but would be allowed to make special arrangements to pay within a reasonable time period.

2.5 Industrial and Commercial Erven

All industrial and commercial erven shall be advertised on Local and National Newspapers calling for competitive bids.

2.6 Components of the Housing Database

2.6.1 The Housing database shall be made of the following components:

- (a) Applicants for low income subsidy houses.
- (b) Applicants for middle to high residential erven.
- (c) Municipal officials/councilors applications.
- (d) Applicants for rental stock.
- (e) Occupants of Informal Settlements.
- (f) Occupants of government subsidized housing.

Section

3 Housing Allocation Policy

3.1 Introduction

The primary focus of this policy is to regulate allocation of municipal rental accommodation as well as government subsidised houses. There is confusion, bias and favouritism in the allocation of subsidy houses. There is also widespread dissatisfaction caused by queue-jumping. Council is concerned that many people do not understand the procedure for applying for both municipal rental accommodation and government subsidy houses. It is Council's feeling that allocation procedures for both rental and subsidy houses should be transparent and accessible to all the residents of Setsoto.

3.2 Policy Objectives

- 2.2.1 Promotion of equal access to housing for Setsoto residents
- 2.2.2 Transparency
- 2.2.3 Prevention of unfair discrimination
- 2.2.4 Promotion of fair administrative justice
- 2.2.5 Effective management of rental stock.
- 2.2.6 Apply the principle of "first come first serve"

3.3 Allocation of Municipal Rental Stock

3.3.1 Invitation for Applications

- 2.3.1.1 The Municipality shall invite potential applicants through Local Newspapers whenever there is a rental stock available.
- 2.3.1.2 Applications shall be processed at the Municipal offices and its satellite offices.
- 2.3.1.3 Applications shall be made in a standard application form obtainable from the Municipal Housing Department/section
- 2.3.1.4 After submitting an application, an applicant shall be issued with a housing application receipt.

2.3.1.4 An official municipal stamp shall reflect the date of application, the type of accommodation applied for and the signature of the Head of Human Settlement section or his/her delegate.

2.3.2 Processing of Applications

2.3.2.1 Completed applications shall be lodged with the Housing administration Officer who shall capture the information in the rental housing database.

2.3.2.2 Housing Allocation shall be decided on a first come first serve basis subject to the provisions below

2.3.2.3 The following allocation criteria shall be used as a guide in making allocations:

(a) Applicants working in the Municipality shall be given preference.

(b) Applicants who already own properties or sites in Setsoto shall not be considered

(c) The type of accommodation allocated shall be congruent with the household income profile of the applicant.

2.3.2.4 After an application has been approved, the Municipality shall inform the applicant through any of the following,

(a) A letter, where an address has been provided in the application form

(b) A telephone call

(c) A fax, where a fax number has been provided

(d) Notice on the notice boards of the Municipality and its satellite offices

2.3.2.5 The Housing Manager in consultation with the Director Corporate Services and Human Settlement shall process all the applications for a rental stock.

2.3.2.6 Approved applicants shall sign lease agreements with the Municipality.

2.3.2.7 The Rental Housing Act of 1999 shall apply to the relationship between the tenants and the Municipality.

2.3.2.8 No sub-leasing will be allowed.

2.3.2.9 Councillors will not be involved in the allocation of any rental stock.

3.4 Allocation of New Housing Developments

3.4.1 Beneficiaries in a database

3.4.1.1 Applicants registered in a database shall fill in a standard application form obtainable from various Housing sections in all the Units.

3.4.1.2 After submitting an application, an applicant shall be issued with a housing application receipt with an official municipal stamp.

3.4.1.3 The stamp shall reflect the date of registration, the type of housing subsidy applied for (on site or in a new housing development) and the signature of the Head of Housing or his/her delegate.

3.4.1.4 Site verification be done before applications are submitted to the province.

3.4.1.5 Fraudulent documents not be accepted.

3.4.1.6 At least two witnesses be appointed and documents verification be done by Ward Councillors.

3.4.2 Processing of Applications for subsidy houses

3.4.2.1 Before any application form for housing subsidy can be submitted to the Provincial Department, every site verification must be conducted.

3.4.2.2 The Municipal housing officials shall assist approved applicant to complete the housing subsidy application forms.

3.4.2.3 After applications have been approved, the Council shall inform the affected Ward Councillor/s who shall immediately call a Ward meeting to inform his/her constituency.

3.4.2.4 Before a beneficiary can occupy a RDP house, the Municipal Building Inspectors together with a housing officials must ensure that all the specifications are complied with before a happy letter can be signed.

3.4.2.5 A beneficiary must sign a happy letter in the presence of Ward Councillor/Committee members present in a meeting specifically called for signing of happy letters by all beneficiaries affected.

Section

4.1 Introduction

Setsoto Local Municipality is faced with the continuous proliferation of informal settlements and land invasion, particularly on the periphery of the urban areas. Most of these informal settlements have developed through the invasion of privately or state-owned land which makes service delivery by the municipality difficult. The Municipality further acknowledges that many of its residents stay in informal settlements. It recognizes that many of these informal settlements offer shelter to the poor and destitute but that it creates undesirable urban environments due to the lack of services and security of tenure.

4.2 Policy Objective

To regularize and upgrading existing informal settlements, through the rapid release of the land for development.

4.3 Existing Informal Settlements

4.3.1 Council shall only recognize an area as an informal settlement only under the following circumstances:

- ❖ They have existed for more than six (6) months;
- ❖ They have existed before the adoption of this policy or where the court did not grant a court interdict for eviction of illegal occupants;
- ❖ They conform to the Housing Sector Plan; and
- ❖ It is in the interest of the community to recognize such establishment.

Council shall earmark all informal settlement areas that are suitable for human settlement for upgrading.

4.4 Upgrading of informal settlements

4.4.1 In-situ Upgrading

Council will only consider *in-situ* upgrading of an existing informal settlement if:

- (a) It is a recognised as an existing informal settlement.
- (b) It is a priority identified in the Integrated Development Plan (IDP) of the Municipality.
- (c) It conforms to the Housing Sector Plan and the Spatial Development Framework (SDF) of the Municipality.
- (d) It will create habitable sustainable human settlements.
- (e) It is in the interest of those staying in the area as well as the rest of the community.
- (f) It conforms to the general principles outlined in the policy.

4.4.2 *In-situ* upgrading projects

- (a) If an eviction order fails in terms of the land invasion policy of Council or if Council decides to upgrade an existing informal settlement, the Department/Section of Housing, in collaboration with the Ward Councilor and Ward Committee Members, shall compile a Site Register of all occupants of the informal settlement.
- (b) A cut-off date must be decided on by Council to include those residing in the informal settlement in the site register.
- (c) The site register shall make a distinction between occupants who qualify for housing subsidies and those who do not qualify.
- (d) The Department/Section of Housing shall capture this information into the Housing *in-situ* database.

- (e) Illegal immigrants would not be registered but reported to the Department of Home Affairs for deportation.
- (f) Department Housing shall consult with the Directorate Technical Services to investigate the suitability of the land.
- (g) The Department Environmental Management shall assess the potential impact of the proposed upgrading.
- (h) The Director – Corporate Services and Human Settlement shall table a combined report to Council outlining the feasibility of upgrading the informal settlement in relation to the various recommendations made from the other Directorates involved, including the outcomes of (f) and (g) above.
- (i) When Council authorizes the upgrading it shall also provide budget estimations and instruct the Directorates: Corporate and Technical Services to kick start a process of competitive bidding for planning, surveying and provision of basic services.
- (j) Once the process of formalization has been completed, the Department Housing shall allocate sites to potential beneficiaries in terms of the register in point C above.
- (k) The construction of houses shall begin pending qualification for a subsidy by the beneficiaries and allocation of subsidies by the Province.

4.4.3 Relocation

In informal settlement areas which are not suitable for human occupation people will be relocated to serviced areas suitable for Human settlement. If the Housing Department/section has determined that an informal settlement is not suitable for human settlement and land is available for relocation the Director of Corporate Services and Human Settlement shall submit a report to Council recommending relocation. The report shall provide a preliminary layout plan for adoption by Council.

Council shall then give consideration for relocation of residents from an informal settlement if:

- (a) The health and well-being of people staying in and around the area is adversely affected.
- (b) The area proves to be too small to accommodate all residents in a sustainable manner.
- (c) The area proves to be inhabitable.
- (d) Basic services cannot be rendered in an affordable and efficient manner.

The Council shall take a decision on the process of relocation and the way sites will be allocated in terms of the Housing Allocation Policy. Ward Councillors shall be involved in negotiating with the affected community around the modalities of relocation. Once the preliminary layout plan has been adopted, the Department Housing/ Planning shall ensure that the sites are pegged and clearly identified for occupation. The affected community shall then be relocated onto the identified sites per guidelines as agreed between the residents and the Council. Council would furthermore ensure that minimum services are provided in terms of water, electricity, sanitation and roads. Thereafter, the housing section shall lodge an application for township establishment with the relevant authorities to formalize the area. Once this is done, people would be relocated according to the principles laid down in the compilation of a housing waiting list.

Section

5

Regulating land invasion

5.1 Introduction

Setso Local Municipality is faced with a problem of land invasion on a continuous basis. The Municipality can no longer tolerate the illegal occupation of land within its area of jurisdiction. Mainly the land that is being invaded is a state land and to some extent, privately owned land.

5.2 Policy Objective

- (a) To manage and prevent land invasion and spread of informal settlement.

- (b) To plan for sustainable human settlement.

5.3 Factors driving land invasion

- (a) The lack of timeous planning to accommodate population growth.
- (b) The lack of a coordinated approach among spheres of government to release land and/or funding for the planning and servicing of priority areas.
- (c) A perception by rural migrants and people from Township backrooms that settling in informal settlements in urban areas will usher them to a better life.
- (d) The perception that people in informal settlements are helped first before those on a housing waiting list also fuels the spread of informal settlements
- (e) Community ignorance on the intended use of vacant land or open areas earmarked for development within existing settlements.
- (f) The lack of policy and enforcement by authorities.

5.4 Preventing land invasions

- (a) Council shall not tolerate the illegal occupation of land within its area of jurisdiction.
- (b) All measures available to Council shall be exhausted to prohibit the illegal occupation of land.
- (c) Council shall apply to the court(s) for the eviction of illegal occupants and prosecute those who initiated the process.
- (d) Ward councilors, in collaboration with ward committee members shall, as a matter of urgency, report all cases of illegal occupation of land within their wards, whether it is council property or not.
- (e) Once a case of illegal occupation of land has been reported by the ward councilor to the Municipal Manager, the Mayor and the Speaker, the administrative procedures outlined in the policy shall be adhered to.

5.5 Administrative Procedures: Land Invasion

5.5.1 Pro-Active measures: Land Invasion

- (a) Council shall take all possible measures to prohibit the illegal occupation of land. The following pro-active measures shall therefore be put in place:
 - i. Department: Municipal Security/Traffic to erect signboards on all open and undeveloped pieces of land stating the purpose of the land and that land invasion or dumping on the site is illegal.
 - ii. People without valid South African Documents shall be deported
 - iii. Department Municipal Security/Traffic shall regularly patrol all council property and report invasions immediately.
- (b) Where the above pro-active measure have failed to prohibit the illegal occupation of land, a distinction shall be made between land that has been illegally occupied for less than 6 months and those occupied for a period longer than 6 months, as required by the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998).
- (c) Furthermore, there shall be a distinction between administrative procedures applicable to Council properties and those applicable to any other property.

5.5.2 Administrative procedure: Illegal occupation of land for less than 6 months

Land Invasion on Council properties	Land invasion of property other than that of Council
a) Ward committee members shall report any land invasion within their wards to the ward councilor.	a) Ward committee members shall report any land invasion within their wards to the ward councilor.
b) Once a case has been reported, the Municipal Manager shall immediately inform the Mayor of the situation.	b) Once a case has been reported, the Municipal Manager shall immediately inform the Mayor of the situation.
c) The MM shall inform the responsible Director who will then investigate and	c) The MM shall inform the responsible Director who will then investigate and

Land Invasion on Council properties	Land invasion of property other than that of Council
<p>verify the land ownership.</p> <p>d) If it is Council property, the Department Legal Services shall apply to the court for an eviction order as well as for the prosecution of those who initiated the land invasion process.</p> <p>e) The process shall then unfold in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act No 19 of 1998.</p>	<p>verify the land ownership.</p> <p>d) If it is not Council property, the Department Legal Services shall give notice to the owner of the land that (s)he must within fourteen (14) days advance an application to court for an eviction order as well as for the prosecution of those who initiated the land invasion process.</p> <p>e) The process shall then unfold in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act No 19 of 1998.</p>

5.5.3 Administrative procedure: Illegal occupation of land for more than 6 months

Land Invasion on Council properties	Land invasion of property other than that of Council
<p>a) Same process as with land occupied for less than 6 months (Points (a) – (f)) above</p> <p>b) If it is Council property, the Department Housing/ Planning shall identify alternative suitable land, in collaboration with the Department Technical Services, to which the affected community could be relocated before an eviction order could be requested by the Department Legal Services.</p> <p>c) The Director: Corporate Services shall table a report to the Standing Committee or in cases of emergency to EXCO in which the various strategies for relocation or <i>in-situ</i> upgrading are explained.</p> <p>d) EXCO shall recommend to Council a process of relocation or if it is viable to formalise the land which has been illegally occupied, Council may consider a process of <i>in-situ</i> upgrading.</p> <p>e) If Council decides to relocate, the Ward Councillors and the Mayor shall be involved in negotiations with those affected by relocation.</p> <p>f) If Council decides for an <i>in-situ</i> upgrading process, the same process will be followed as with the upgrading of existing informal settlements.</p>	<p>a) Same process as with land occupied for less than 6 months (Points (a) – (f)) above</p> <p>b) However, if the land falls within the land identified for future development in the Housing Sector Plan and the SDF, the developer shall be encouraged to develop the land with the assistance of the municipality through a land and services agreement or Council could consider acquiring the land to develop it in the future.</p> <p>c) If the land falls outside the HSP and the SDF guidelines, the owner or bin cases where a court order is issued-the Municipality, shall identify alternative suitable land to relocate those who invaded the property.</p>

6 Human Settlements/Housing Developments

6.1 Introduction

Most housing projects are not guided by the new principles for development. This results in almost all low-income housing projects located on the periphery of urban areas. This contributes to urban sprawl and fails to address the legacies of apartheid. Most current housing projects are targeted to green-field developments and little attention is paid to urban renewal or infill planning projects. Almost all the housing developments are concentrated in urban areas while the rural areas have been neglected. While market forces also dictate middle and high-income developments, low-income developments are mostly driven by the proliferation of informal settlements and the availability of housing subsidies. There is little private sector investment in low-income areas.

6.2 Policy Objectives

The quality of housing is in some cases poor. There is little attention paid to environmentally sensitive designs. Most designs are monotonous due to developers using the same material and finishing on several projects. This hampers variety and choice to the consumer. It is Council's view that

- ❖ Housing development shall be located closer to economic opportunities
- ❖ Housing development shall lead to the compacting of the towns and avoid urban sprawl
- ❖ Housing development shall be integrated with other municipal services – social, economic and infrastructure
- ❖ All housing developments (low, middle and high-income) within the Municipality shall be approved by Council in line with the provisions of the Housing Sector Plan, the Spatial Development Framework, the Integrated Development Plan and the availability or contribution towards bulk infrastructure.
- ❖ All forms of housing development shall be promoted.
- ❖ To promote environmental sensitive and energy efficient housing.

6.3 Establishing an Integrated Approach to New Human Settlements

6.3.1 The Policy: Integrated Approach to New Human Settlements/Housing Developments

- 6.3.1.1 Council shall make available funding on an annual basis for Greenfield developments, infill planning, urban renewal or *in-situ* upgrading projects as prioritised in the Housing Sector Plan, the SDF and the IDP of the municipality.
- 6.3.1.2 Council shall support and participate where feasible in the development of a variety of high, middle and low-income residential developments which combine single residential as well as cluster housing on both Greenfield and urban renewal, *in-situ* upgrading or infill planning sites.
- 6.3.1.3 Council shall make available serviced sites through its *in-situ* upgrading or urban renewal schemes to individuals who have applied for housing or serviced sites and have been registered in the Housing Database (taking into consideration its own employees who applied and is on the living waiting list as well) depending on the availability of funds.
- 6.3.1.4 All future development proposals should show that consideration has been given to social, physical, environmental and economic aspects in the project design. An Environmental Impact Assessment or any other study to support decision-making in this regard may be required from the developer.
- 6.3.1.5 Council shall support urban developments within the urban fringe. Rural development shall be supported if proven feasible.
- 6.3.1.6 Council shall support developments that promote the optimum utilisation of infrastructure and resources.
- 6.3.1.7 Council shall give priority to developments that are located in close proximity to socio-economic opportunities.

- 6.3.1.8 New housing developments shall only be supported if in line with the Housing Sector Plan, Spatial Development Framework and the Integrated Development Plan of the Municipality.
- 6.3.1.9 Projects shall be designed to minimise the negative impact on the environment and environmentally sensitive developments shall get preference.

6.3.2 Administrative Procedures: Integrated Approach to New Human Settlements

6.3.2.1 Pro-active approach: New Human Settlements/Housing Developments

- (a) It is recognised that sustainable human settlements can only be achieved through a coordinated and integrated approach to development. The Integrated Development Planning process (IDP) of the Municipality is one such tool to ensure co-ordination and integration at a strategic level. Therefore all new human settlement/housing development needs shall be adequately addressed in the IDP of the Municipality.
- (b) Furthermore, the spatial relationship of proposed new development with that of the existing settlement shall be considered in the Spatial Development Framework (SDF) of the Municipality. It is thus important that these two administrative and planning tools be used to plan timeously for human settlements / new housing developments.
- (c) To enable successful coordination of newly planned human settlement developments the Directorate Corporate Services and Human Settlement shall establish an Interdepartmental Planning and Housing Development Committee (IPHDC) that comprises the different Directorates.
- (d) The IPHDC shall identify during the annual review of the IDP of the Municipality both private and public land suitable for new human settlement / housing developments according to the needs identified in the Housing Sector Plan and amend the SDF of the Municipality accordingly. A distinction shall be made between Greenfield development, infill planning, urban renewal and *in-situ* upgrading projects to allow for population growth whilst accommodating existing needs.
- (e) A priority ranking order shall also be allocated to the different areas based on criteria such as feasibility, sustainability, and serviceability. This will be used to inform the budgeting process of Council as well as the channelling of public investment for future housing developments. Proposed housing developments shall make provision for a selection of low-middle and middle-high income residential developments whilst combining single residential development with cluster housing.
- (f) Consideration shall be taken to provide supporting infrastructure to the proposed housing developments in particular the road network, bulk infrastructure services including economic and social amenities. The financial implications of the supporting infrastructure shall be considered together with the financial implications of the proposed development. The IPHDC shall also lodge applications for grants/ funding to various organisations to ensure that money will be made available for new housing developments as well as the supporting infrastructure services and social amenities like clinics, schools, etc.
- (g) Besides planning in an integrated manner at strategic level, the same is required at an administrative level. It is thus necessary that clear administrative procedures be developed to ensure an integrated approach to new human settlement / housing development at implementation level. A distinction needs to be made between the various stages involved in the creation of sustainable human settlements / housing developments on public versus private land.

7 Conclusion

Council also finds that housing development is still seen in isolation from the rest of the urban fabric and as such little co-operation and co-ordination exists among different spheres of government, municipal departments and developers. This leads to areas not being serviced with infrastructure timeously to allow for the development of housing in these areas whilst social and economic infrastructure trail behind the provisioning of housing infrastructure.

The lack of serviced sites also hamstrung residential development. Council has not been active in the development of new residential areas for some time due to financial constraints whilst the private sector initiatives are also limited by the huge costs involved in infrastructure provisioning.

