

Implementation of emergency housing



GUIDELINES



GUIDELINE SERIES PUBLISHED BY THE HOUSING DEVELOPMENT AGENCY

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Reasonable care has been taken in the preparation of this report. The information contained herein has been derived from sources believed to be accurate and reliable. The Housing Development Agency does not assume responsibility for any error, omission or opinion contained herein, including but not limited to any decisions made based on the content of this report.

Guidelines for the implementation of the Emergency Housing Programme

The Guidelines for the Implementation of the Emergency Housing Programme offer guidance to officials in municipal and provincial government who are directly engaged with the process and provision of emergency housing in South Africa. They were developed by a team of development practitioners, researchers and academics in South Africa.

Preface

The Emergency Housing Programme is a programme provided for in Part 3 Volume 4 of the National Housing Code. According to the Housing Code “The main objective of this Programme is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency situations of exceptional housing need through the allocation of grants to municipalities...”.

The Emergency Housing Programme recently received significant attention through constitutional court judgments such as the Joe Slovo and Blue Moonlight cases, and others. The Programme is best known for its use of the contentious Temporary Relocation Areas (TRAs). However, the Programme is designed to implement a range of emergency housing responses, highlighting the main challenges encountered. It is used regularly by municipalities across the country to respond to a plethora of emergency housing situations.

In 2011 the Housing Development Agency (HDA) undertook several site visits to TRAs and informal settlements in the Western Cape, Kwazulu-Natal and the Eastern Cape to assess the conditions at TRAs and to understand the challenges related to process faced by implementing officials. Conditions on the sites raised concerns about plot size, quality and appropriateness of the structures, health and hygiene, safety and security, sanitation, child care, and the lack of electricity. Additional concerns on issues such as human dignity, location, and livelihood considerations were raised in response to a variety of emergency housing interventions.

The Emergency Housing Programme provides the framework for implementation to officials in local and provincial government. In order to ensure that the policy is informed by current realities, case studies of the implementation of the Programme in Cape Town, eThekweni, and Johannesburg greatly informed the guidelines which serve as an instrument to enhance the Emergency Housing Programme. Emergency Housing Case Studies have been published separately.

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Acronyms

BNG	Breaking New Ground
CBO	Community based Organisation
COGTA	Cooperative Governance and Traditional Affairs
CRU	Community Residential Unit
DAG	Development Action Group
EHP	Emergency Housing Programme
EIA	Environmental Impact Assessment
ESTA	Extension of Security of Tenure Act
FBO	Faith Based Organisation
HDA	Housing Development Agency
HSP	Housing Sector Plan
IDA	Incremental Development Area
IDP	Integrated Development Plan
MEC	Member of Executive Council
MIG	Municipal Infrastructure Grant
MTEF	Medium-term Expenditure Framework
NGO	Non-government Organisation
TRA	Temporary Relocation Area
PHP	People's Housing Process
PIE	Prevention of Illegal Eviction Act
PPT	Project Preparation Trust
PSLD	Provincial State Land Disposal Committee
UISP	Upgrading Informal Settlements Programme
USDG	Urban Settlement Development Grant

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How to use the guidelines

- Are you a municipal official **responding to an emergency housing event** and need to take rapid, *reactive* and effective action? In that case, carefully read the quick user guide, and then refer to Parts 2 and 3.
- Are you a municipal official who has **identified a situation of potential risk or high vulnerability** that requires or may require a *proactive* emergency housing response? In that case, carefully read the quick user guide, and then refer to Parts 2 and 3.
- Are you a municipal official **responsible for improving planning and programmatic responses** to human settlement challenges and fostering more effective partnerships? In that case, carefully read the quick user guide, and then refer to Parts 1 and 4.
- Are you a provincial housing official who wants to **improve provincial human settlement responses** for emergency housing to address situations of crisis or high risk? In that case, carefully read the quick user guide, and then refer to Parts 1, 2 and 4.

Quick user guide on emergency housing

Purpose of the quick user guide

The Quick User Guide is designed to give users a rapid insight into emergency housing and how it can be utilised more effectively and appropriately. It should be read in conjunction with the full Guidelines for the Implementation of the Emergency Housing Programme which provides more comprehensive guidance information.

Purpose of the emergency housing programme

The Emergency Housing Programme aims to be a responsive, flexible and rapid programme to address homelessness, hazardous living conditions, and temporary or permanent relocation of vulnerable households or communities.

Funding for emergency housing

Funding for the Programme, in the form of grants to municipalities, can be used for the provision of basic engineering services; basic shelter (or materials); land acquisition; basic settlement planning, design and surveying; relocation assistance; and in certain circumstances, the repair of damaged formal housing.

Emergency housing responses

There are seven policy response options for emergency housing set out in the Emergency Housing Programme (Part 3 of the National Housing Code, 2009). They are both proactive and reactive in nature, and can be divided into three main categories:

A. On-site assistance

- No relocation required. The site can be formalised over time, possibly through the use of other housing programmes (Category 1.1)
- Relocation required in future. However, the site can be made temporarily suitable for habitation (Category 3.2)

B. Relocation/resettlement

- Relocation to a TRA that can be provided on a temporary or permanent basis, and where households can be resettled in the future when a permanent solution becomes available (Category 3.1 and 3.3)
- Relocation to a permanent location with temporary assistance (Category 1.2)
- Relocation to an existing developed area with temporary assistance (Category 1.3)

C. Formal housing repair/rebuild

- Formal housing can be repaired or rebuilt on the same plot or with relocation to a serviced plot (Category 2)

CHART 1

FLOW CHART FOR EMERGENCY HOUSING SITUATION (SUMMARY)

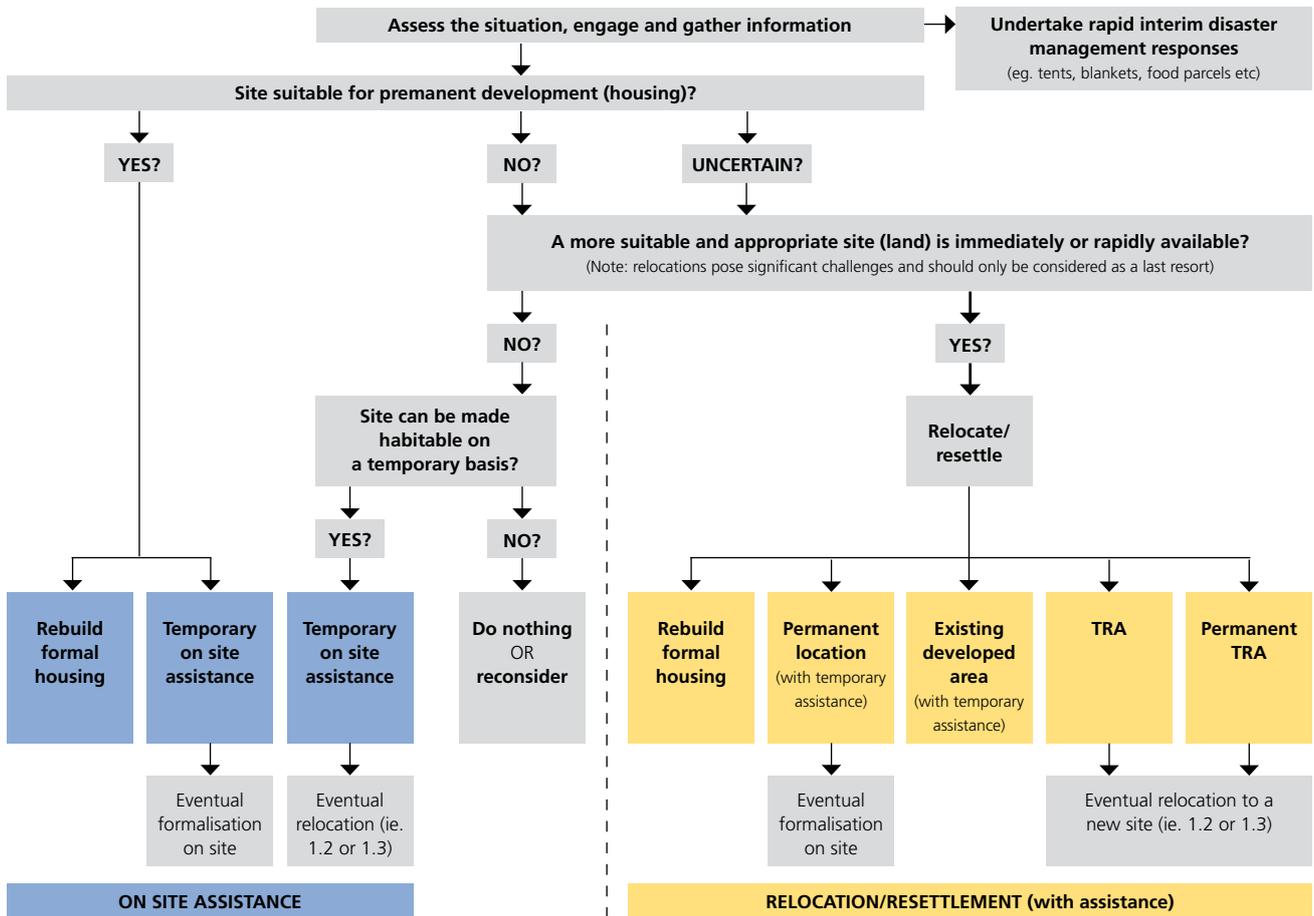


TABLE 1

OPTIONS FOR THE USE OF THE POLICY

	Policy reference	Situation Category	When to use	Considerations to be addressed by the intervention
On-site assistance	1.1	Temporary on-site assistance. No relocation required	Settlements devastated by fires or severe weather events (e.g. informal settlements) The site of the emergency is suitable for future permanent development	Reducing vulnerability Building method Materials to be used (materials offered must be the same for all beneficiaries)
	3.2	Temporary on-site assistance. Resettlement at a later stage to a 'permanent temporary settlement area' (EHP, 2009:34)	Settlements devastated by fires or severe weather events (e.g. informal settlements) The site of the emergency is not suitable for permanent settlement but is habitable on a temporary basis (i.e. absence of imminent threat to health and safety OR the hazards can be addressed/mitigated)	Permanent future solution on the site or on another site within an acceptable timeframe Community negotiation (partnerships with NGOs)
Relocation with assistance	1.2	Relocation to a permanent location with assistance on a temporary basis	Settlements devastated by fires or severe weather events or eviction where land is uninhabitable (imminent threat to health and safety) and households must be resettled Resettlement land is suitable for permanent housing development	Length of stay on relocated or resettled site Key trade-offs including choices between on-site settlement or relocation, as well as between temporary or permanent relocation Key land use trade-offs
	1.3	Temporary assistance through resettlement to an existing developed area	Settlements devastated by fires or severe weather events or eviction where emergency land is uninhabitable (imminent threat to health and safety) and people must be resettled Resettlement land is suitable for permanent housing development Resettlement land is located within an existing developed area	On-site assistance to be provided in conjunction with relocation (i.e. transit camps, TRAs, starter kits) Length of time needed to provide accommodation (TRAs can take a long time to establish) Location of the site in relationship to key facilities, resources, and amenities Community engagement with all stake holders including with the receiving community Budgeting for maintenance of temporarily established areas

	Policy reference	Situation Category	When to use	Considerations to be addressed by the intervention
Relocation with assistance (continued)	3.1	Assistance with relocation to temporary settlement area To be relocated again, once a permanent housing solution is possible	When households are settled on land or in buildings that are temporarily or permanently uninhabitable for any reason Settlements devastated by fires or severe weather events (e.g. informal settlements)	Maintenance of areas established under the Programme, and long term solution for qualifiers and non-qualifiers Destruction of livelihoods and fragmentation of social networks
	3.3	Temporary assistance with resettlement to a permanent temporary settlement area	When households are settled on land or in buildings that are temporarily or permanently uninhabitable for any reason Settlements devastated by fires or severe weather events (e.g. informal settlements) Suitable land for permanent housing is not available. Available land is a site established on a permanent basis for temporary settlement	
Formal house repair or reconstruction	2	Permanent formal housing to be repaired or rebuilt	When formal housing is destroyed or damaged (usually caused by fires or severe weather events) and the site is suitable for permanent settlement This can only be used if the home owner does not have insurance Other stipulations apply	Emergency housing used as an interim measure while housing is being built (alignment with disaster relief is applicable) Contracting of local labour and skills transfer Limitations on use of the Programme in cases of formal house reconstruction (cannot be applied to backyarders, those covered by superstructure insurance, or those without secure tenure). Additionally, no more than the project linked subsidy can be used to repair or reconstruct the dwelling

Key issues and lessons in emergency housing

- **Policy intention**

The intention of the Emergency Housing Programme is to provide assistance in cases of emergency. Assistance can be proactive or reactive. The municipality, when possible, should seek to take preventative measures, and should avoid using the policy indiscriminately or in a manner that may incentivise negligence.

- **Cooperation between local and provincial government**

Cooperation between these two spheres is critical to ensure a common understanding of priorities, processes, and budgeting. This is important in cases where emergency housing funding is required, and to expedite the response effectively.

- **Established procedures**

Historically, funding for emergency housing was characterised by a lack of agreed procedures for budgeting, and how to apply for and access such funding. Clearly defined procedures for budgeting and application for project funding are essential. It is imperative that provincial government clarifies and makes accessible the procedures for applications.

- **Rapid access to flexible funding**

Emergency housing is funded by the national government, and municipalities apply for funds from provincial government. Almost always, municipalities have to provide bridge funding for emergency housing responses, but can apply to provincial government to recoup these funds. Depending on the procedures followed, this could lead to delays in funding release.

- **Importance of emergency housing for informal settlements**

Emergency housing can play an important role in mitigating and responding to vulnerabilities and risks in informal settlements, especially where other programmes (such as housing) cannot be expedited in the short term. In this regard, emergency housing can be used proactively as well as reactively.

- **Relocation as a last resort**

Relocations tend to be problematic and have a wide range of adverse, unintended consequences, such as disruption of livelihoods and continued maintenance costs for relocation areas, and should only be undertaken as a last resort. It is important that the new site is suitably located and acceptable to the community; especially regarding access to public transport, employment opportunities, schools and clinics. Where possible and applicable, permanent resettlement or on-site assistance should be used. Moreover, TRAs tend to be permanent, and affected households become 'trapped' in inadequate housing, remaining a burden for the municipality.

- **Integration with other programmes**

Emergency housing is intended to fill the gaps where other larger programmes (such as housing and infrastructure) are unable to address particular development needs and issues. It is important that the Emergency Housing Programme supports and integrates with programmes such as formal housing delivery programmes, and disaster responses.

- **Continuous community participation and engagement**

Meaningful community engagement will assist with the identification of the best response, and will support the development of partnerships for effective emergency housing delivery. Community engagement will guide the process of negotiations so that all parties and stakeholders are aware of existing opportunities and constraints. This engagement can be undertaken in partnership with NGOs, FBOs, CBOs and other role players.

- **Programmatic preparation for smooth emergency housing process**

Responding to housing emergencies is challenging. However, forward planning renders the process smoother and the outcomes more effective, and may take various forms. This approach better prepares the municipality and the provincial government to address emergencies as they arise.

- **Advantages of strategic up-front investment in emergency housing**

Case studies show that in areas where larger emergency housing investments were made toward permanent solutions, the responses tended to be more sustainable, hostile relationships between affected households and the State were mitigated, and human dignity and human rights were not compromised. However, these investments should not be perceived to permit queue jumping and circumvention of the waiting list.

PART 1

Introduction to emergency housing

1.1 About the guidelines

1.1.1 The need for emergency housing guidelines

Households and communities experience emergencies that render them homeless and situations that are hazardous to health and well-being on a regular basis in South Africa. This reality is due to settlement patterns (such as fire-prone informal settlements); harsh weather conditions (floods and storms); and emerging social welfare concerns including spatial concentrations of infectious diseases and unsafe or illegal building occupation.

Moreover, proactive responses to these situations are a challenge for the housing delivery system in South Africa. It is not always possible to plan for, predict and prevent all emergencies, or to deliver formal and adequate housing to all those in need, due to resource constraints. Often formal housing programmes are not rapid and responsive enough to address the speed by which hazardous situations and emergencies arise. Consequently, there is a need for a policy that can rapidly and effectively release funding to address homelessness and exceptional need.

In cases of emergency, communities, NGOs, and disaster management centres often play an important role. Unfortunately, the strain on fragile community networks is often too burdensome (especially in situations where the scale of emergencies affects entire communities), and additional housing responses and interventions are necessary. Additionally, a disaster response is only a short-term intervention. Therefore, it is the role of the Department of Human Settlements at the municipal and provincial levels (when necessary) to implement a short- to medium-term emergency housing response that can lead toward an eventual permanent housing solution (Emergency Housing Programme, 2009).

There is a need for a programme that is flexible, responsive, and proactive, and that addresses situations where other housing programmes and existing social networks require additional and supplementary support. The Emergency Housing Programme is designed to do this, on condition that it is implemented appropriately.

1.1.2 End-users of the guidelines

The following *Guidelines for the Implementation of the Emergency Housing Programme* (hereafter referred to as the Guidelines) are primarily intended to offer guidance to officials in municipal and provincial government who are directly engaged with the process and provision of emergency housing in South Africa.

The secondary audience for the Guidelines is all stakeholders involved with other programmes that directly impact and inform the Emergency Housing Programme.

1.1.3 Objectives and intent of the guidelines

The Guidelines are grounded in case study evidence from three major municipalities (Cape Town, Johannesburg and eThekweni), relevant court cases that set precedent for the Programme, and Part 3 Volume 4 of the National Housing Code, 2009. The Guidelines seek to address relevant challenges and opportunities that arise through the implementation of the Emergency Housing Programme within the potential of the policy. The intent of the document is to offer a user-friendly and accessible guide. More specifically, the Guidelines aim to:

- Assist municipalities with the implementation of responsive and proactive emergency housing in South Africa. The form and type of assistance offered to municipalities responds to both the needs of those most directly affected, as well as the reality of the institutional constraints for all relevant spheres of government, departments, and stakeholders.
- Offer suggestions for a programmatic approach to emergency housing that enables municipalities to be prepared and capacitated to implement individual responses.
- Present a range of options for emergency housing responses offering implementers greater choice and flexibility in using the policy. This includes an outline of the different options put forward in the policy, and the use of case-based evidence regarding the key considerations relevant to each response.
- Consider the costs (social and economic), trade-offs, and applicability of each type of response (response category), including temporary or permanent assistance, and relocation or on-site assistance.

1.1.4 Scope of the guidelines

The Guidelines will address the Emergency Housing Programme, and linkages to other programmes will be explored where relevant.

The Guidelines will not exceed the policy for emergency housing, and should be read in conjunction with other current policies and programmes that impact and inform the Emergency Housing Programme. The Guidelines seek to offer guidance, and do not prescribe implementation steps.

1.1.5 Recommended reading

The following list provides relevant and useful readings to augment the understanding of practitioners regarding the issues identified in this document, and the challenges faced in programme implementation. Selected policies impacting on the Emergency Housing Programme have been included.

- Part 3 Volume 4 of the National Housing Code, 2009
- Integrated Development Plans (IDPs) and Housing Sector Plans (HSPs) applicable to relevant cities
- The Disaster Risk Management Act, 2002, and Local Disaster Management Plans applicable to relevant cities
- *Emergency Housing Case studies: South Africa* by the Housing Development Agency, 2011
- *Living on the Edge: A Study of the Delft Temporary Relocation Area* by the Development Action Group, 2007
- *Housing Policy in South Africa* by SERI, 2010

1.1.6 Underpinning principles of the guidelines

- Emergency housing interventions should **reduce vulnerability** and ensure that risks are mitigated in the short, medium and long term.
- **A proactive response** and the proactive potential of the Emergency Housing Programme are essential features of the guidelines and policy.
- **Livelihood strategies** of affected households should be maintained, enhanced, and supported through the preservation of social networks, as well as accessibility to urban networks and opportunities.
- **Capacity, ability and strength** of affected people should be supported through community engagement and clear understanding of their needs and abilities.
- **Human dignity** should be considered, especially regarding attention to the distinct needs of vulnerable groups such as women, children, the elderly and disabled, and those affected by disease.
- **Effectiveness, efficiency, and sustainability** should be pursued in choice and method of intervention, as well as utilisation of funds.
- **Responsiveness and flexibility** to the situation and emergency context is central.

1.2 An introduction to the emergency housing programme

An understanding of certain basic aspects of emergency housing is essential before commencing the implementation of the Emergency Housing Programme. This will assist implementing agents to choose, plan, and implement the Emergency Housing Programme expediently and appropriately. An appreciation of the following aspects, which will be discussed below, is imperative:

- 1.2.1 Nature of the Emergency Housing Programme
- 1.2.2 Emergency housing as a short- to medium-term response
- 1.2.3 Emergency housing options available to municipalities
- 1.2.4 Definition of an emergency housing situation
- 1.2.5 Proactive and reactive options
- 1.2.6 Beneficiaries of emergency housing
- 1.2.7 Funding sources and application for funding
- 1.2.8 Key role players
- 1.2.9 Constitutional Court cases that set precedent

1.2.1 Nature of the emergency housing programme

The Emergency Housing Programme is designed to provide temporary relief to households in a state of exceptional housing need, living in unsafe conditions, or rendered homeless, through the provision of secure access to land, engineering services, and shelter. The Programme does not apply to formal house repair Situation Category 2 where shelter provision occurs on a permanent basis (Emergency Housing Programme, 2009:9). The measures provided for in the Emergency Housing Programme are meant to supplement existing housing programmes rather than act as replacements for formal housing delivery programmes.

The Emergency Housing Programme stipulates that emergency housing should be limited to absolute essentials (Emergency Housing Programme, 2009:13). For this reason, the level of servicing can be lower than the national norms and standards (Emergency Housing Programme, 2009:14). Emergency housing should seek to respond directly to the emergency housing situation, and to lay a functional foundation for a permanent solution. Generally, the Programme allows for faster responses than a normal housing delivery programme, and is therefore suitable to respond to emergency situations.

1.2.2 Emergency housing as a short- to medium-term response

a. WHEN DOES THE EMERGENCY HOUSING PROGRAMME START?

The process of emergency housing provision begins when the municipality identifies a case of exceptional housing need. Typically, this includes the following:

- The municipality proactively identifies a risk or hazard situation, or households are living in unsafe conditions that could or will result in an emergency (including threat of eviction).
- An emergency occurs where households are rendered homeless, or are in exceptional need where a disaster has been declared in terms of the Disaster Risk Management Act (Act No. 57 of 2002).

IMPORTANT NOTE: The municipality is required to identify one of the criteria outlined in the policy and must submit an application to the Provincial Department of Human Settlements (Emergency Housing Programme, 2009:63). The policy allows for municipalities to fund emergency housing responses through alternative means or bridge funding.

b. WHEN DOES THE EMERGENCY HOUSING PROGRAMME END?

The Emergency Housing Programme responds to emergencies, and thus requires the use of other programmes for longer-term solutions. The Programme ends when other programmes enter to support the transition to a permanent solution such as the Upgrading of Informal Settlements Programme (UISP), low-cost rental accommodation, BNG/RDP housing, or an Incremental Development Area.

1.2.3 Emergency housing options available to municipalities

The section below sets out the emergency housing situation categories that are considered for funding by the Emergency Housing Programme. It is important to note that the primary function of emergency housing is to enable rapid responses to a range of emergency situations where other housing programmes are unable to respond adequately. The policy can also be used to address risk and hazard situations proactively.

THE POLICY ALLOWS FOR:

a. ON-SITE ASSISTANCE

On-site assistance applies when the site is suitable for permanent development or can be made temporarily suitable. At times, it is reasonably clear that the site (or part thereof) can be used for a permanent housing solution. In this case, two on-site options are available, namely:

- No relocation required: the site can be formalised over time, possibly through the use of other housing programmes (Category 1.1)
- Relocation required in future: nevertheless, the site can be made temporarily suitable for habitation (Category 3.2)

b. RELOCATION/RESETTLEMENT

When it is clear that the site of the emergency is temporarily or permanently uninhabitable, relocation or resettlement takes place in the following ways:

- To a TRA that is provided on a temporary or permanent basis, or where resettlement takes place in the future when a permanent solution arises (Category 3.1 and 3.3)
- To a permanent location with temporary assistance (Category 1.2)
- To an existing developed area with temporary assistance (Category 1.3)

c. FORMAL HOUSING REPAIR/REBUILD

- **Formal housing can be repaired or rebuilt on the same plot or with resettlement to a serviced plot (Category 2).**

	Policy reference	Situation category	Conditions for use
On-site	1.1	Temporary on-site assistance No relocation required	Floods, fires, and other risk situations in informal settlement, and where land is suitable for permanent development
	3.2	Temporary on-site assistance. Resettlement later to a 'permanent temporary settlement area' (EHP, 2009:32)	Floods, fires, and other risk situations in informal settlement, and where land can be made suitable for temporary
Relocation	1.2	Relocation to a permanent location with assistance on a temporary basis	Emergencies or evictions where households must be moved, and a suitable and available site exists for future development
	1.3	Temporary assistance through resettlement to an existing developed area	Emergencies or evictions where households must be moved, and a suitable and available site exists for future development
	3.1	Assistance with relocation to temporary settlement area. To be relocated again, once a permanent housing solution is possible	Emergencies or evictions where households must be moved, and a suitable and available site does not exist for future development
	3.3	Temporary assistance with resettlement to a 'permanent temporary settlement area' (EHP, 2009:32)	Emergencies or evictions where households must be moved, and a suitable and available site does not exist for future development
Formal house reconstruction	2	Permanent formal housing to be repaired or rebuilt	Formal house is damaged or destroyed, and home-owner has no means to rebuild or repair

1.2.4 Definition of an emergency housing situation

The provision of emergency housing can be proactive and reactive, and emergency housing can respond to predictable and unpredictable emergencies. The policy puts forward a number of circumstances constituting an emergency. In addition, the policy states that the criteria include those who 'are in a situation of exceptional housing need, which constitutes an Emergency that can reasonably be addressed only by resettlement or other appropriate assistance, in terms of this Programme' (Emergency Housing Programme, 2009:15), thus incorporating emergency situations not listed below.

a. HOMELESSNESS THROUGH EXTRAORDINARY CIRCUMSTANCES (REACTIVE)

This applies to a situation declared a disaster (possibly where initial steps have been taken under the Disaster Risk Management Act), or to situations that are not declared but have caused destitution. Extraordinary circumstances include the following:

- Floods
- Strong winds
- Severe rainstorms
- Hail/snow
- Devastating fires
- Earthquakes
- Sinkholes
- Disastrous industrial accidents
- Evictions/house demolition
- Social/political unrest

b. HOUSEHOLDS AND COMMUNITIES LIVING IN HAZARDOUS CONDITIONS (PROACTIVE)

Dangerous conditions and any condition that poses a threat to life, health, and safety, and that can be addressed through a housing intervention, are covered by the Programme. Dangerous conditions include:

- Land or houses highly vulnerable to any of the risks outlined above (i.e. floods, strong winds, severe rainstorms, fires, living under power lines, and others)
- Dolomitic land (prone to sinkholes)
- Land under-mined at shallow depth
- Rectification of pre-1994 government housing (through the Rectification Programme)
- Threat of eviction from land or unsafe buildings/structures, or threat of demolition of structures
- Threat of dislocation due to civil conflict or unrest

c. HOUSEHOLDS AND COMMUNITIES LIVING IN THE WAY OF SERVICES/PROPOSED SERVICES

The following services apply:

- Water
- Sewerage
- Established reserves
- Power lines
- Roads/railways
- *In situ* (on-site) upgrades

1.2.5 Proactive and reactive options

Proactive emergency housing: Acting proactively requires addressing hazardous situations before a disaster or crisis arises. This means that a risk situation can be identified (such as people living in flood planes or fire prone areas), and emergency housing responses can be used to mitigate risk and decrease vulnerability.

Responsive or reactive emergency housing: Responsive measures are more commonly undertaken. In such cases the policy is flexible and allows for rapid response to disasters and crises which have left affected households homeless and/or destitute.

1.2.6 Beneficiaries of emergency housing

Emergency housing assistance applies where beneficiaries are unable to address housing needs through private funds, from home-owners insurance, or other available resources. However, this will only be verified against income and assets in cases of formal house repair or reconstruction.

BENEFICIARIES COULD INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

- People who qualify for a housing subsidy, as well as those who do not
- Households/people exceeding the maximum income limit for subsidies
- Households headed by minors (under the age of 18 years)
- People without dependents
- People who are not first time buyers (i.e. beneficiaries of government subsidised houses and people who purchased their own houses)
- The aged
- Housing subsidy beneficiaries of other programmes (on a case-by-case basis)
- Evicted people under the Extension of Security of Tenure Act, and Prevention of Illegal Eviction Act, in both urban and rural sites
- Illegal immigrants (on a case-by-case basis, and according to criteria of the Department of Home Affairs)

IMPORTANT NOTE: The Emergency Housing Programme cannot be denied to the above beneficiaries in cases where other programmes are not able to assist. This should not dissuade municipalities from using more appropriate programmes when possible.

1.2.7 Funding sources and application for funding

As the Emergency Housing Programme is a national housing programme, the National Department of Human Settlements allocates funding to provincial governments on an annual basis. The Provincial Department of Human Settlements is required to reserve funding for emergency housing from this annual allocation. Municipalities, as the first party responsible for responding to emergencies, can procure resources (funding) from provincial government. Funds for emergency housing are in the form of grants for land, services, shelter, and relocation/resettlement. The actual amount of the grant to municipalities is determined by specific project costs (Emergency Housing Programme, 2009:9, 13 and 17).

a. PROJECT AND PROGRAMME COSTS TO BE FUNDED BY THE PROGRAMME

The Programme sets out clearly its areas for funding (see list below). Municipalities going above and beyond the following can do so through alternative funding (Emergency Housing Programme, 2009:18):

- Assistance to municipalities to compile applications for projects
- Land acquisition (Note: the subsidy quantum grant amounts do not specify an amount for land acquisition)
- Settlement planning and land surveying
- Basic engineering services design and basic engineering services
- Temporary shelter or materials for construction of temporary shelter (excluding tented structures)
- Relocation assistance
- Repair/reconstruction of damaged formal housing / services
- Consumption costs for basic municipal services for a three-year period (if the municipality cannot afford to do so from their own resources)

b. PROJECT AND PROGRAMME COSTS TO BE FUNDED BY MUNICIPALITIES

The following areas are not funded by the Emergency Housing Programme, and municipalities are required to source funding from their own budgets or alternative sources. Application for emergency housing funding should not include the following:

- Replacement or rehabilitation of damaged bulk and connector services in existing developments (funded through Urban Settlement Development Grant via COGTA)
- Repair of water related infrastructure or eroded roads (normally the responsibility of local government)
- Operation, maintenance or management costs of the development
- Electrical services (other than provision of high-mast lighting)
- Litigation
- Normal housing products in terms of RDP subsidies
- Aspects provided under other assistance programmes

1.2.8 Key role players

The Emergency Housing Programme sets forth the roles and responsibilities of national, provincial and local government, based on principles of cooperative governance (and partnerships) and subsidiarity (decentralisation of functions to the local sphere). However, the Programme allows for flexibility, and the roles should be performed efficiently, rapidly, and at a level most suitable for the circumstances (Emergency Housing Programme, 2009:20). As a result, certain roles overlap, but the functional responsibility and ability to respond ultimately depend on the capacity of the different spheres.

a. MUNICIPALITY

The function of the Emergency Housing Programme applies to the role of local government first and foremost, with national and provincial government providing financial support and other forms of support on a need-to-have basis (i.e. when municipalities clearly lack the capacity to carry out the functions).

Role of the municipality

- Identify the emergency and submit application for assistance in terms of the Programme
- Proactively plan by establishing liaison channels and procedures to address emergency situations
- Initiate, plan, and formulate application to the Provincial Department of Human Settlements. Municipalities that are not accredited must do this under the supervision of Provincial Department of Human Settlements
- Ensure those situations that qualify under the Emergency Housing Programme are given expedited treatment
- Request support from provincial government if the municipality lacks capacity
- Enter into an agreement with the Provincial Department of Human Settlements and implement emergency housing in alignment with this agreement
- Ensure adequate communication and participation with beneficiaries and stakeholders
- Conduct planning for the development of future formal housing where applicable
- Ensure that bulk, connector, and basic engineering services are provided
- Implement the selected emergency housing response(s)
- Provide relocation assistance, including transportation for affected people
- Operate, manage, and maintain settlement areas created under the Programme. Take responsibility for assets created under the programme
- Maintain or repair installed services and temporary shelters

- Provide basic engineering services and assistance wherever necessary to enable the installation/repair of engineering services by/for affected households
- Maintain a register of beneficiaries
- Work toward expediting emergency housing responses
- Planning and development of permanent housing solutions

b. PROVINCIAL DEPARTMENT OF HUMAN SETTLEMENTS

The Provincial Departments of Human Settlements are responsible for funding and implementation support. They play a supporting role in forwarding applications to the Member of the Executive Council (MEC) with suggestions. In addition, they should make suggestions for the development of local capacity. After submission of an application, the Provincial Department of Human Settlements acknowledges receipt within seven days, and scrutinises the application for procedural accuracy, clarity, and completeness. If it is incomplete, provincial government returns the application to the municipality indicating the issues.

Role of the Provincial Department of Human Settlements

- Set aside an appropriate portion of the annual provincial housing budget for emergency housing
- Support municipalities wherever possible (assist with applications)
- Take over the responsibilities of local government in cases where a municipality does not have sufficient capacity
- Forward application for emergency housing funding with comments to the MEC. The MEC can exercise discretion in the use of the emergency housing guidelines outlined in the policy (Emergency Housing Programme, 2009:27)
- Reserve, prioritise, and allocate funding for the Programme from the annual budget
- Monitor the implementation of projects
- Assist with the use of accelerated planning procedures
- Update the housing subsidy system with beneficiary information
- Assume ownership for temporary structures
- Apply for national funding if the establishment of a coordinating body to address larger emergency housing needs is required

IMPORTANT NOTE: Considerations for project approval appear in Section 3.4.1 of the Emergency Housing Programme (2009). No projects should be approved by provincial government unless funding is allocated, and the municipality should be notified immediately regarding the status of the application.

c. NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS

The Emergency Housing Programme is a national programme.

Role of the National Department of Human Settlements

- Assist other spheres of government where necessary or possible regarding conceptualisation, application, evaluation, implementation, release of State land, and others
- Allocate funding to provincial government
- Assist with interpretation of the Programme
- Monitor implementation
- Draw on operational budgets if necessary to establish a national coordinating body to address large-scale emergency housing needs

d. ROLES OF OTHER DEPARTMENTS AND PROVIDERS

The provision of emergency housing includes a range of essential role players. Roles of and relationships between different implementing agents of emergency housing are important, and yet not sufficiently specified in the policy. Other acts and policies support in defining these roles.

DISASTER RESPONSE

- **Disaster Risk Management:** Disaster Risk Management Centres at municipal or provincial level are often the first respondents on the scene of an emergency. Disaster Risk Management is the only State agency that is able to coordinate blankets, food parcels, tents, and secure halls or centres for immediate shelter. NGOs and other partners often assist with this process.

There is no clear timeframe indicating the transition between disaster support and emergency housing. However, if disaster shelter is prolonged, it could constitute inadequate shelter, resulting in additional challenges. It is essential that efforts of the Emergency Housing Programme and Disaster Risk Management Centres be aligned.

- **Department of Cooperative Governance and Traditional Affairs:** This department declares states of disaster in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002).

LAND ACQUISITION

- **Department of Rural and Land Reform:** This department offers information of State owned land for acquisition through their land inventory data base system. The Provincial State Land Disposal Committee (PSLD) must be consulted in cases where a tribal or community authority own the land desired for acquisition. It is important to route consultation through the PSLD when land is owned by the National Department of Public Works.
- **Department of Cooperative Governance and Traditional Affairs:** The department provides assistance in terms of the Urban Settlement Development Grant and the Municipal Infrastructure Grant.

OTHER SERVICES

- **Professional service providers:** In cases where additional technical support is needed to implement an emergency housing response, external service providers can be consulted. NGOs, construction and engineering companies, and other contractors frequently support and assist with the implementation of emergency housing. In the case of professional services, the appointment may be on an ad hoc basis or from a data base of service providers. The need for service providers must be well-motivated and services should be sought first from within government departments.

IMPORTANT NOTE: The required skills vary according to the context of the emergency situation. However, if the municipality lacks skills and capacity, provincial government should be notified and additional input should be pursued.

1.2.9 Constitutional Court cases that set precedent

The following court cases impact on the Emergency Housing Programme and are discussed below:

a. Government of the Republic of South Africa and Others v. Grootboom and Others:

This case defines the right to access to adequate housing, and mandated the design of the Emergency Housing Programme.

b. Blue Moonlight Properties 39 (Pty) Limited v. Occupiers of Saratoga Avenue and

Another:

It sets forth the State's obligation to provide alternative accommodation through the Emergency Housing Programme in cases of eviction.

c. Residents of Joe Slovo Community Western Cape v. Thubelisha Homes and Others:

Standards for community engagement, temporary relocation areas, structures, and relocation process are put forward in this case.

d. Occupiers of 51 Olivia Road v. City of Johannesburg:

The case informed the requirement of meaningful community engagement.

e. Farm worker eviction cases:

These cases extend municipal responsibility to address rural evictions from farms under ESTA.

a. GROOTBOOM

In 2000, the Cape High Court handed down a landmark social and economic rights case that further articulated the constitutional right to housing – the case of Irene Grootboom and 900 Others. Leading up to this case, a group of families with their children, abandoned their shacks in an informal settlement in Wallacedene, Cape Town. Their settlement was partially waterlogged; next to a dangerous highway; lacked basic services; and was located on illegally occupied vacant private land. Once the eviction was granted, the evictees had no alternative accommodation, as their plots in the informal settlement had been reoccupied.

The Constitutional Court declared the State in breach of its constitutional obligations to fulfil the right to access to housing by allowing the community to be homeless. In doing this, the Court mandated the State to design a national programme that would ensure that households in crisis, disaster, and emergency situations have access to adequate housing at a very basic level. The Emergency Housing Programme was developed as a result of this mandate.

b. BLUE MOONLIGHT

The Blue Moonlight case concerns a group of 86 poor residents who lived in an unused industrial property in the inner-city of Johannesburg. The property was sold, and in 2006 the new owners filed an application for eviction. The evictees argued that they could not be evicted without the municipality offering alternative accommodation. The City of Johannesburg refused to offer alternative accommodation, and stated that they prioritised evictions for government property, rather than for private property.

The Blue Moonlight case shed light on the responsibility of municipalities to accommodate evicted people, as stipulated in the National Building Regulations and Building Standards Act (Act 103 of 1977), and the PIE Act. The High Court declared the City of Johannesburg's housing policy unconstitutional, and directed the municipality to provide alternative accommodation.

c. JOE SLOVO

(Note: all references are taken from the court case)

The Joe Slovo Constitutional Court case of 2009 sets out important criteria for requirements regarding planning, implementation, and community engagement for relocation. This case dealt with the eviction of informal settlement dwellers from Langa in Cape Town. These criteria are not relevant to all emergency housing situations, and should be seen as guidelines rather than prescriptive requirements.

Physical planning criteria: The Constitutional Court case prescribes a range of services.

In certain circumstances, additional services are added when municipalities deem the minimum level to be insufficient. The case states that relocation sites must be serviced with tarred roads (10.2); individually numbered for purposes of identification (10.3); and supplied with electricity through a pre-paid electricity meter (10.6). It must make reasonable provision for toilet facilities with water-borne sewerage (may be communal), as well as for fresh water (may be communal), which must be situated within reasonable proximity of a communal ablution facility (10.7-9).

The case outlines the size of the structures and materials to be used for building temporary relocation area structures. Specifications for structures include an area of at least 24m²(10.1), walls constructed with Nu-tec (10.4), and a galvanised corrugated iron roof (10.5).

Community engagement and social services: The case requires recording of names, details, and relevant personal circumstances of those affected by each relocation (11.1). The case emphasises the need for the provision of transport to those who are to be relocated (11.4); transport of their possessions (11.5); and the provision of transport facilities to the affected residents from the temporary residential accommodation units to facilities such as schools, clinics, and employment (11.6).

In addition, the Constitutional Court case requires engagement with residents regarding the exact time, manner, and conditions under which the relocation of each affected household will be conducted (11.2); the exact temporary residential accommodation units to be allocated to those persons to be relocated (11.3); and the engagement to take place at least once a week prior to the date specified for the relocation.

Most importantly, community engagement must include engagement regarding the prospect in due course of the allocation of permanent housing to those relocated to temporary residential accommodation units; including information regarding their current position on the housing waiting list, and the provision of assistance to those relocated with the completion of application forms for housing subsidies (11).

d. OLIVIA ROAD

The Olivia Road Constitutional Court case does not deal directly with emergency housing, but puts forward the need to have meaningful engagement with communities in the event of relocation and eviction.

e. FARM WORKER EVICTION CASES

While the provision of 'alternative accommodation' for eviction under the PIE Act are generally accepted as the domain of emergency housing, evictions under the Extension of Security of Tenure Act, which covers rural areas, are often unaccounted for. ESTA applies in areas zoned for farming and agriculture. Growing numbers in cases of farm worker evictions offer insight into the role of emergency housing in providing alternative accommodation to evicted farm workers; even in cases where only a few farm workers are affected. Municipal jurisdiction extends to the rural areas, and therefore a person facing eviction in rural areas has the right to approach government for emergency housing. The provision of emergency housing in rural areas has particular challenges and constraints.

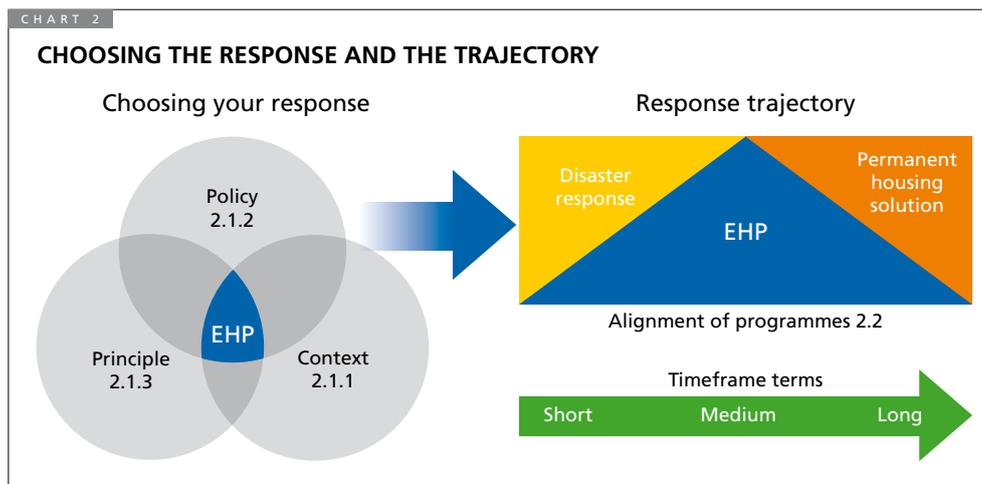
PART 2

How to plan and implement an emergency housing project

2.1 Choosing the appropriate emergency housing response

Choosing the most appropriate intervention is not easy and requires that implementing agents consider a variety of elements relevant to the emergency situation context; understand the limitations and opportunities of the policy (i.e. what can and cannot be done); and apply a set of carefully considered principles that can help guide the decision making process.

In addition, emergency housing responses, by nature of the policy mandate, are short- to medium-term solutions to housing need. Immediate need is often addressed through disaster response interventions, while longer-term housing solutions should be pursued through other programmes. Emergency housing is aimed at filling this gap, and should align with the short- and long-term responses.



2.1.1 Assessing and understanding the emergency housing situation

Rapid but careful and systematic assessment of the emergency housing situation is the first critical step to ensure that the emergency has been understood properly and the relevant stakeholders (especially the affected community), have been engaged appropriately.

The first step is to determine whether the emergency situation warrants a proactive or reactive approach. The following 'contextual elements' guide the planning of the response, and were informed by experiences derived from the case studies. This information should enable implementing agents to estimate timeframes and immediacy of the response, and to assess budget requirements. This will inform the design of the community engagement process, as urgency, scale, and community dynamics are considered in this process.

CONTEXTUAL ELEMENTS TO CONSIDER

Information on the following elements can be used to plan the intervention. Each will impact the possibilities and constraints of the intervention, and provide guidance regarding various options. Some of this information may have been acquired programmatically, as part of city-wide studies, and can inform the decision making process. If no information exists, a basic assessment should be undertaken as the first step in responding to the emergency. This may take place concurrently with a disaster response such as the supply of tents and blankets.

a. The emergency

- Type/nature
- Frequency and chance of reoccurrence
- Proactive or reactive response requirements
- Scale
- Urgency of response needed
- Risk and vulnerability of the community or area

b. Land issues

- Suitability of current land for permanent or temporary settlement
- Availability of other sites and parcels
- Capacity for improvements (i.e. requirements for making the site suitable)

c. Capacity and resources

- The State (local and provincial government) - capacity to undertake various responses and availability of financial resources
- The community – structure, organisation, ability, skills, assets, and resources to support the intervention
- NGOs/partnerships - within the community, and between the State and the community that could be used to facilitate or aid the response
- Other stakeholders and supporters

d. Community dynamics

- History of the community and the area
- Livelihood needs of affected households (including formal or informal employment, location of employment)
- Outcomes of initial engagement
- Vulnerability and resilience of the community
- Internal fragmentation and resistance.

2.1.2 Scope and timing of the policy

The policy can respond to housing and shelter emergencies. Emergencies are identified as risks, hazards or dangerous conditions that could result in disaster or emergency. Emergencies can be identified after an event or situation that results in homelessness. This is a very broad definition of emergency and allows the Programme to be used flexibly to respond to a variety of issues.

Additionally, the Programme recognises developmental needs identified in municipal-wide plans such as the development of infrastructure that warrants the use of the Emergency Housing Programme to relocate communities settled on land earmarked for such services. However, in maintaining the principles of the Programme as well as a 'pro-poor' approach to urban development, the Programme should be used carefully and discriminately. In this regard, three options are explored in greater details in the definition of emergency housing situations.

The policy can respond in a number of ways, and include: the provision of on-site materials for shelter construction; the relocation of beneficiaries to safer sites (accompanied by some provision of shelter or materials); and the repair or reconstruction of formal houses. The following table presents the options available to municipalities and offers suggestions about the applicability of each response.

TABLE 4 RESPONSE OPTIONS FOR IMPLEMENTERS AND RELEVANT KEY CONSIDERATIONS				
	Policy reference	Situation category	When to use	Considerations to be addressed by the intervention
On-site assistance	1.1	Temporary on-site assistance No relocation required	Settlements devastated by fires or severe weather events (e.g. informal settlements) The site of the emergency is suitable for future permanent development	Reducing vulnerability Building method Materials to be used (materials offered must be the same for all beneficiaries)
	3.2	Temporary on-site assistance. Resettlement at a later stage to a 'permanent temporary settlement area' (EHP, 2009:34)	Settlements devastated by fires or severe weather events (e.g. informal settlements) The site of the emergency is not suitable for permanent settlement but is habitable on a temporary basis (i.e. absence of imminent threat to health and safety OR the hazards can be addressed/mitigated)	Permanent future solution on the site or on another site within an acceptable timeframe Community negotiation (partnerships with NGOs)
Relocation with assistance	1.2	Relocation to a permanent location with assistance on a temporary basis	Settlements devastated by fires or severe weather events or eviction where land is uninhabitable (imminent threat to health and safety) and households must be resettled Resettlement land is suitable for permanent housing development	Length of stay on relocated or resettled site Key trade-offs including choices between on-site settlement or relocation, as well as between temporary or permanent relocation Key land use trade-offs
	1.3	Temporary assistance through resettlement to an existing developed area	Settlements devastated by fires or severe weather events or eviction where emergency land is uninhabitable (imminent threat to health and safety) and people must be resettled Resettlement land is suitable for permanent housing development Resettlement land is located within an existing developed area	On-site assistance to be provided in conjunction with relocation (i.e. transit camps, TRAs, starter kits) Length of time needed to provide accommodation (TRAs can take a long time to establish) Location of the site in relationship to key facilities, resources, and amenities

	Policy reference	Situation category	When to use	Considerations to be addressed by the intervention
Relocation with assistance (continued)	3.1	Assistance with relocation to temporary settlement area To be relocated again, once a permanent housing solution is possible	When households are settled on land or in buildings that are temporarily or permanently uninhabitable for any reason Settlements devastated by fires or severe weather events (e.g. informal settlements)	Community engagement with all stake holders including with the receiving community Budgeting for maintenance of temporarily established areas Maintenance of areas established under the Programme, and long term solution for qualifiers and non-qualifiers
	3.3	Temporary assistance with resettlement to a 'permanent temporary settlement area' (EHP, 2009:32)	Emergencies or evictions where households must be moved, and a suitable and available site does not exist for future development	Destruction of livelihoods and fragmentation of social networks
Formal house repair or reconstruction	2	Permanent formal housing to be repaired or rebuilt	When formal housing is destroyed or damaged (usually caused by fires or severe weather events) and the site is suitable for permanent settlement This can only be used if the home-owner does not have insurance. Other stipulations apply	Emergency housing used as an interim measure while housing is being built (alignment with disaster relief is applicable) Contracting of local labour and skills transfer Limitations on use of the Programme in cases of formal house reconstruction (cannot be applied to backyarders, those covered by superstructure insurance, or those without secure tenure). Additionally, no more than the project linked subsidy can be used to repair or reconstruct the dwelling

2.1.3 Consideration and application of key principles

The following key principles underpin the Guidelines, and assist implementers to ensure that the most appropriate intervention is applied and that the implementation of the Emergency Housing Programme addresses the developmental imperatives relevant to the South African context.

- **Reducing vulnerability** and ensuring that risks are mitigated in the short-, medium- and long-term should be addressed through emergency housing interventions. This means that no intervention leaves households and communities more vulnerable, and that all types of vulnerability are considered.
- **Proactive** potential of the Emergency Housing Programme, including proactive appropriate planning for addressing and preventing emergency housing, and proactive project-based approaches as outlined in the policy, are essential features of the guidelines and policy.
- **Livelihoods** of affected households should be maintained, enhanced, and supported through the preservation of social networks as well as accessibility to urban networks and opportunities. The poor often engage in informal income generating activities which are sensitive to location, social networks, and spatial organisation of dwellings.
- **Capacity, ability and strength** of affected people must be considered through community engagement and clear understanding of the needs and capacities of the community. Affected people must be incorporated into the process to ensure buy-in, ownership, and skills transfer during the process.
- **Human dignity** is an important consideration that includes the way in which people are treated, and the nature of their living conditions. Special attention should be afforded to the distinct needs of vulnerable groups such as women, children, the elderly and disabled, and those affected by disease.
- **Effectiveness**, efficiency, and sustainability in choice and method of intervention, with specific consideration of the need to design interventions that have lasting and measurable impact, and lead toward a permanent housing solution. Emergency housing funding should be used efficiently, balancing rapid response with future investment.
- **Responsiveness and flexibility** of the intervention to the situation and emergency context. Funding for the Emergency Housing Programme is in the form of a grant to municipalities that allows for flexibility in the application of funds and implementation.

2.1.4 Planning the emergency housing response: considering trade-offs

Implementing agents will be required to consider the most appropriate interventions carefully to respond to the emergency at hand, often making difficult choices. The implementation of emergency housing is not informed by an exact scientific approach; rather, decisions are based on consideration of trade-offs and motivation for specific interventions.

TRADE-OFFS

The following are key challenges faced by decision makers when selecting the most appropriate intervention:

- a. **Decisions about land:** Land, especially scarce well-located land, compels implementing agents to make critical decisions regarding settlement patterns and land use. Efficient and effective utilisation of land must be considered in implementing emergency housing and in planning for permanent solutions.
- b. **Permanent v. temporary solutions:** Finding permanent housing solutions is generally ideal. However, there are circumstances where temporary solutions are the only option, such as cases where no land is available, or where role-over development is applied.

c. On-site v. relocation solutions: On-site housing solutions are generally an ideal emergency housing response. However, in some cases, the site of the emergency is too dangerous or unfit for settlement, and relocation becomes necessary.

IMPORTANT NOTE: Emergency housing is often considered a trade-off between funding of formal housing delivery, and addressing emergency situations. Often, both community members and government role players interpret emergency housing provision as allowing for queue jumping regarding the housing waiting list. This is a serious challenge which must be carefully managed through balancing priorities and motivating for trade-offs.

TRADE-OFF 1: DECISIONS ABOUT LAND

Each option has different requirements for land availability and these will have to be assessed against other development priorities at the local and city-wide level.

- **On-site assistance** requires that the current site is suitable for permanent development, or that it can be made suitable for temporary settlement. If the site is hazardous and households are left on the site with minimal assistance and insufficient mitigation measures (i.e. provision of a starter kit only), vulnerability may not be reduced. From time to time, temporary relocation will be necessary while technical mitigation measures (such as construction of retaining walls or re-blocking) are implemented on the site.
- **Relocation** requires that government buys, borrows, or leases land on a short-term basis for the construction of temporary structures. Relocation may be temporary, and allow for basic planning approvals. However, the municipality will have to remain actively engaged with the community until they can secure a resettlement location. Permanent resettlement and incremental development require that land can be bought by the municipality, but in all likelihood not immediately.
- **Formal house reconstruction** requires that a home-owner has some form of functional security of tenure in relation to the site of the emergency.

CHALLENGES

Land acquisition is a long process, making it inappropriate as a first response to an emergency. However, the funding application requires that all land-related issues such as ownership, title deeds, tenure status of affected people and nature of land availability, are described (refer to Emergency Housing Programme, 2009:74 for full application). In considering future permanent housing development on the site, the Emergency Housing Programme makes provision for land acquisition (or parts of the initial process), even though it is not specified in the current housing subsidy quantum.

Planning and development approvals, and land acquisition, are slow and expensive processes. Albeit that the Emergency Housing Programme supports the use of emergency housing for both land acquisition and the planning approval processes, these functions may be located more practically within the ambit (expertise and specialisation) of other housing delivery programmes. These functions can overwhelm the emergency housing focus, preventing it from meeting its main imperatives of addressing particular 'emergency induced' vulnerability in a rapid and responsive fashion.

TRADE-OFF 2: PERMANENT OR TEMPORARY SOLUTIONS

The following table sets out the benefits and constraints generally associated with selecting temporary and permanent solutions. While land availability predominantly informs this choice, the considerations below should be considered.

Solution	Benefits	Constraints
Temporary	<ul style="list-style-type: none"> • Can be undertaken with less forward planning • Can be used in cases where no permanent solution is available • Can be used as an interim measure in the process of upgrading 	<ul style="list-style-type: none"> • Affected people are left in a precarious state, and are unable to recover from emergency or disaster situation • Requires continued engagement between the municipality and the affected households until a permanent solution is found • Can lead to high and on-going maintenance costs • Can lead to frustration and anger when promises are made and not kept • Often solutions are not temporary but become de facto permanent solutions despite being inadequate permanent housing options
Permanent	<ul style="list-style-type: none"> • Allows for affected households to start rebuilding immediately, and all on-site investments are used productively towards a permanent solution • Enables other programmes to commence and take responsibility for housing needs (affected households are no longer in a state of emergency) • Diminishes continued burden on the emergency housing programme • Fewer on-going costs such as maintenance and rent 	<ul style="list-style-type: none"> • Requires access to a secure and suitable site for permanent housing – rapid response in this regard requires a high degree of forward planning

TRADE OFF 3: RELOCATION V. ON-SITE SOLUTIONS

The table below puts forward benefits and constraints generally associated with selecting relocation/resettlement and *in situ* solutions. The cost of land rehabilitation, technical mitigating measures, and relocation should be considered in relation to the following benefits and constraints

TABLE 5 COMPARING ON-SITE RESPONSES AND RELOCATION AND RESETTLEMENT RESPONSES		
Solution	Benefits	Constraints
On-site	<ul style="list-style-type: none"> • Allows for social networks to remain intact • Does not require relocation or eviction • Enables community to benefit from current good location • Social costs are low 	<ul style="list-style-type: none"> • May require expensive land rehabilitation • If vulnerability is not decreased, emergency could reoccur • May require temporary relocation as an interim solution
Relocation and resettlement	<ul style="list-style-type: none"> • Where the site is unsafe and unsuitable, relocation can be a temporary solution while the site is upgraded or another site is found • Allows for affected households to be moved away permanently or temporarily from the hazard or risk 	<ul style="list-style-type: none"> • Can interrupt social networks and lead to fragmentation • Livelihoods of relocated people could be impacted negatively due to change in location • Where the site is not well-located, vulnerability of affected households could increase due to impaired access to transport, facilities, resources, etc. • Community engagement process can be particularly sensitive for both affected and receiving communities • Risk of bad reporting in the media

2.2 Alignment with other programmes

2.2.1 The disaster response

Certain short-term disaster responses (such as the provision of tents, food parcels, blankets, and medical supplies) may need to be expedited parallel to the implementation of emergency housing. Whilst these responses fall outside the Emergency Housing Programme and funding mandate, they are nonetheless critical – the way in which these tasks are undertaken, will impact the emergency housing response.

Consideration should be given to the possible effects that the disaster response could have on subsequent emergency housing or permanent development responses. Operational cost issues (for example hiring of tents, chemical toilets, or halls) should receive due attention. The implications of relatively slow emergency housing responses such as the establishment of a new TRA are likely to be more severe than on-site responses that are typically delivered more rapidly.

However, if the provision of disaster shelter is prolonged, it could constitute inadequate shelter and be problematic. It is therefore essential that the Emergency Housing Programme and disaster risk management efforts be aligned to ensure that roles, responsibilities, and timeframes are clearly defined and maintained.

2.2.2 Toward a permanent solution

Responding rapidly in emergencies while taking into account a long-term plan for settlement can be difficult. The policy requires implementing agents to respond in this way through co-operation with other housing programmes. An important component of the communication process between implementing agents of emergency housing and other housing programmes is the availability of information on existing housing projects that can accommodate beneficiaries who qualify for a housing subsidy, as well as projects and programmes that accept non-qualifiers.

PLANNING FOR A PERMANENT SOLUTION AND LINKAGES WITH OTHER PROGRAMMES

Implementing agents should plan for a permanent solution from the start of an emergency housing response whenever possible. The following considerations are applicable:

- **Settlement planning** is part of a process of future planning where the design, layout, and management of the settlement are taken into account. If the settlement is to be formalised over time, it is necessary to reserve or create space for other facilities such as schools, public open space, and other uses. The Emergency Housing Programme is unable to fund these facilities. However, it is the responsibility of the Programme to create enabling preconditions.
- **Security of tenure** ensures that affected households have some form of agreement with the municipality, and safeguards them against arbitrary removal or eviction from the land (where tenure is the relationship between the people, their defensible rights and enforceable responsibilities, to property and benefits flowing from it). Government should reach agreements with affected people regarding tenure from the beginning of an emergency housing response so that they are aware of their rights (for example, not to be evicted) and responsibilities (such as to build their own shelter or pay for some of the services).
- **The design and provision of basic municipal engineering services** are necessary for future transition to permanent housing. Initially, these services can be provided as communal services, and upgraded at a later stage to provide individual housing services in the future.
- **Other housing programmes** which could be used for a longer-term solution include finding housing opportunities which could consist of conventional upgrading and housing delivery as well as broad-based provision of interim basic services at scale related to the following: Upgrading Informal Settlements Programme, People's Housing Process, Breaking New Ground, Community Residential Units, Social Housing, and other programmes.

2.3 Applying for and securing emergency housing funding

The intention of emergency housing as a rapid and flexible response warrants a unique funding arrangement that allows for swift release of funding to municipalities to address an emergency housing situation.

However, due to the need to maintain a high level of accountability of funding, and the sensitive nature of the Programme, it is still necessary that steps are followed to ensure that the emergency is attended to effectively and in alignment with the policy. The availability of funding, and the potential to access and bridge funding from municipal budgets, will be a major enabling or limiting factor. The section below provides useful information that will assist municipalities with the funding process.

2.3.1 Content of funding application

Local government must submit the application for emergency housing funding to the provincial government who will offer suggestions, and forward the application to the MEC. Given the time pressures for the delivery of emergency housing responses and the intentions of the policy for it to be a rapid response, the application should be concise and direct. The table below provides a summary of the most important information required by the funding application (refer to Emergency Housing Programme, 2009:73 for full funding application):

TABLE 6 SUMMARY OF INFORMATION NEEDED FOR EMERGENCY HOUSING PROGRAMME FUNDING PROPOSALS	
Item	Include
Description of the emergency situation and needs arising	<ul style="list-style-type: none"> • Type of emergency – flood, fire, and/or others • Location and cause of emergency • Level of destitution and displacement - scope and extent of emergency • Resources required to address emergency
Community profile and demographics	<ul style="list-style-type: none"> • Number of affected households/persons • Income and unemployment statistics • Relocation requirements
Land, municipal infrastructure services and shelter (only if land is required)	<ul style="list-style-type: none"> • Current settlement categorisation and pattern (rural/urban, other) • Current property rights of persons concerned • Consultation strategy • All relevant information on identification of land for relocation
If municipal services and/or shelter are required	<ul style="list-style-type: none"> • Current status of services/shelter • Services required • Estimated costs
Steps to be taken	<ul style="list-style-type: none"> • Provide details on action plans • List relevant stakeholders and describe interests • Declaration of emergency
Capacity of the municipality	<ul style="list-style-type: none"> • To provide training on self-help building, and supervise of shelter construction process • Institutional capacity (managerial and technical capacity to manage, plan, and implement the project) • Strengthen financial capacity, confirm funding availability, develop additional municipal capacity, propose contracting strategies
Linkages with existing and/or other programmes	<ul style="list-style-type: none"> • Detailed plan to move toward a permanent solution
Proposed business plan	<ul style="list-style-type: none"> • Financial flow details and business plan

2.3.2 Important funding information

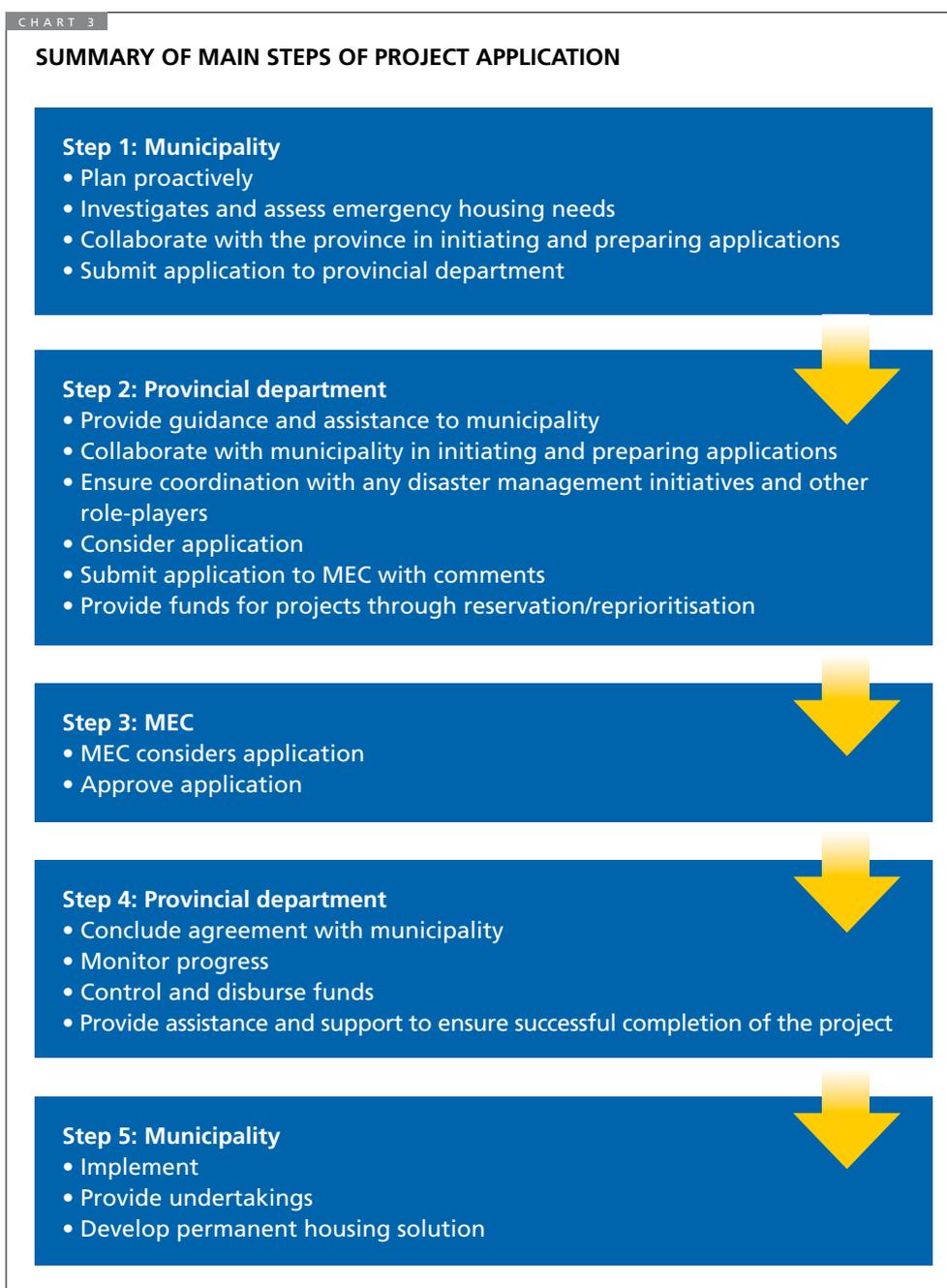
Salient considerations regarding funding for emergency housing are set out below, followed by a diagram presenting the systematic path for an application for funding for emergency housing.

FUNDING ISSUES

- **Grant funding:** Funding for emergency housing through the Programme is in the form of grants from provinces to municipalities (Emergency Housing Programme, 2009:31). This allows for flexibility in spending.
- **Grant funding amount:** The project needs determines the amount of the grant. However, it cannot exceed the basic requirements set forth in the policy. Annual publications by the National Department of Human Settlements offer guidelines on the amount applicable for each aspect of the project. The Emergency Housing Programme offers a comprehensive list of what can be funded by the programme (for more details, refer to section 1.2.7 on Funding Sources and Application for Funding). The municipality can use its own or other resources to provide services or shelter above that which is envisioned in the policy (Emergency Housing Programme, 2009:17).
- **Rules for funding:** The MEC has the authority to consider and approve projects, and determines project funding. As soon as a project has been approved, the funding is released through the Provincial Department of Human Settlements. Municipalities can undertake project management through internal units and teams, or by outsourcing project management capacity (or through a combination of strategies) (Emergency Housing Programme, 2009:50).
- **Bridging finance:** It is important that the municipality is clear about which approvals are necessary, and how provincial government will assess the validity of the emergency intervention. In the absence of proper procedures being followed; clarity regarding local government's use of bridging finance; or when funds are made available prior to all planning and development approvals, delays in the release of funding may ensue. If funding is secured after the intervention is undertaken, all categories should be read, information collected, and the necessary minimal procedures should be followed.
- **Progress payment to municipalities:** Progress payments to municipalities can be released in a manner approved by the MEC. Progress payments to municipalities shall be made against certification of the achievement of value for money as per agreed milestones. Such progress payments may include advanced payments to municipalities for each phase of an approved project (Emergency Housing Programme, 2009:17).
- **Progress payments by municipalities:** Municipalities must only initiate progress payments in terms of contractual agreements with the providers of housing goods and services against the actual achievement of value for money and the certification thereof (Emergency Housing Programme, 2009: 17).
- **Subsidy quantum:** The subsidy quantum for emergency housing is generally lower than the amount for other housing programmes. Some municipalities have difficulties to provide acceptable levels of services and materials for the amount specified by the current subsidy. In such cases, additional funds must be secured or other programmes used (such as USDG in the cases of services).
- **Disagreements in definition of 'emergency':** Disagreements frequently arise between local and provincial government as to what should and should not be funded. There are no clear guidelines on this matter, and internal agreements should be formulated to ensure work efficiency of officials and technical teams used for inspections.

IMPORTANT NOTE: In cases where the municipality determines the situation to be of such an urgent nature that there is limited time to prepare an application, the Provincial Department of Human Settlements must be contacted immediately, following which the MEC will approve funding for the preparation of the application.

The diagram below sets out the main steps for project application (Emergency Housing Programme, 2009:59).



2.4 Ensuring appropriate community engagement and participation

Emergencies often affect entire communities (and individuals), and this necessitates a process of community engagement to ensure an effective emergency response. Community engagement should begin with the first step of the emergency intervention, and proactively, if possible. The community engagement process, and needs expressed through this process, assists decision-makers to choose and implement the most appropriate response. Wherever possible, NGOs and other partners should cultivate a cooperative relationship between the municipality and affected communities.

The community engagement process should continue to inform the process of delivery, for instance, the choice of materials and the use of contractors, by offering insight into the capacity of the community members to build shelters, supplement materials, and guide appropriate development on the site. It is essential that community representatives interact with officials regarding the routine functioning and development of the settlement; additional needs that are not met; and opportunities for permanent housing options.

2.4.1 Key elements of community engagement

a. COMMUNITY PROFILE

Establishing the risks and hazards of the area, together with the basic community profile will determine the approximate degree of intervention; that is, if a basic starter kit is sufficient, or if a complete site transit camp should be implemented. A community profile can be undertaken proactively and programmatically if possible.

IMPORTANT NOTE: Similarly, the information required for the community profile will be necessary for the funding application.

- **Relevant existing information:** the municipality should acquire all existing information on the settlement. This could include plans for the area, plans for upgrading, community profiles undertaken in the past and aerial photographs of the development of the area.
- **Rapid participatory enumeration** is the first step in this process to establish clarity regarding the basic demographics of the affected people. This information is valuable in the decision-making processes as it will guide the intervention in terms of establishing an understanding of the risks and hazards; eligibility of members of the community for possible future grants and programmes; social networks that could be called upon for additional resources; and the capacity of the community to articulate their requirements and needs. In cases where the settlement has been destroyed, historical aerial photos and maps will be used to determine where affected households lived before the emergency.

b. COMMUNITY REPRESENTATIVE AND MANAGEMENT STRUCTURE

A community or representative management structure typically constitutes elected or appointed community leaders who act to liaise with government officials. In cases where the emergency affected several households, a community structure must be established. If there are existing community structures, their participation and cooperation should be pursued.

- **Participation of the community in the process** should be managed through a community structure in cases where there is a large-scale emergency. Lack of community buy-in can lead to interventions that are inappropriate or inadequate, and result in failed delivery or unmet expectations, distrust, loss of government legitimacy, and attitudes of entitlement. Precedent confirms that active community participation and strong representative structures result in greater community awareness of the constraints and opportunities presented by the intervention. More often than not, communities are willing to negotiate the response and resettlement process, becoming allies, rather than enemies, of the State.
- **A representative structure** should keep existing structures intact, and assess such structures for equitable representation. In cases where community structures identify programme beneficiaries, implementing agents should verify beneficiary lists to ensure that the structure is acting as inclusively as possible. Elections should be held and a democratic structure used, where a new community structure must be established (in cases of relocation, for example). NGOs could assist in guiding this process.
- **Government should acknowledge the diversity of opinions within the community** It should not be assumed that the community agrees on the needs and appropriate course of action. Occasionally, community members who are most verbal, represent selective interests. Internal fragmentation and disagreement are inevitable, and where possible, government should use multiple approaches to community engagement to enable representative input from the community.
- **Special needs groups**, including the elderly, women, children, the disabled, and different social groups that have variable capacity to participate in the reconstruction of their houses and have differing needs in relation to privacy, should be considered. In such cases, additional assistance may need to be provided by the State.

c. COMMUNITY NEGOTIATION

Negotiation refers to a dialogue between parties with the intent of reaching an understanding. Emergency housing provision inevitably requires negotiation. Negotiation and compromise are essential components of emergency housing provision; especially when relocation is used. Negotiation and compromise allow for the community to support the project and agreements to be made between the stakeholders, and can lead to more sustainable and effective responses.

- **Compromise** is an inevitable aspect of responding to emergencies. There are often no comprehensive solutions, and exploring the trade-offs and the constraints of Response Categories and specific options available with the community, requires accurate information, sharing of information between parties, and using the community representative structure effectively to reach basic consensus.
- **Community support** can only be secured through meaningful engagement and has the ability to increase the effectiveness of the intervention. If affected households and the surrounding community are not supportive of the intervention and unaware of the trade-offs and compromises being made by all stakeholders, the municipality is likely to deal with additional and unmanageable difficulties. Experience has demonstrated that ineffective community engagement led to violence and lengthy court battles.

- **Agreements** can be made regarding interim (functional) land tenure rights, rents, and services, between the recipients and the municipality. This must be done with the understanding that formal tenure is the end goal, though may not be possible in the short-to medium-term. In addition, the municipality must make clear which services the community will be charged for and if any rent is applicable.

d. RECEIVING OR SURROUNDING COMMUNITIES (MOST RELEVANT FOR RELOCATION OR RESETTLEMENT)

- **NIMBYism (NOT-IN-MY-BACK-YARD)** in the form of the negative perception of temporary relocation areas, transit camps, and the poor, is linked strongly to race and class in South Africa. It is important to involve the receiving community in the process as early as possible when planning any temporary or permanent settlement. Addressing this phenomenon requires consultation with all surrounding communities. If left unmanaged, this resistance may encumber the implementation process, block planning applications, and cause violence.

2.4.2 Considering livelihoods and vulnerability

'A livelihood comprises the capabilities, assets ... and activities required for a means of living: a livelihood is sustainable when it can cope with and recover from stresses and shocks, maintain and enhance its capabilities and assets and provide sustainable livelihood opportunities for the next generation and which contributes net benefits from other livelihoods at the local and global levels in the long and short term' (Chambers and Conway in Clover, 2007:92). The urban poor have multiple livelihood strategies that contribute to basic survival.

- **Livelihoods of the poor** are linked closely to the locations where they live, as well as to the way in which they make a living. Poor and vulnerable households often use the space provided by their homes to support income, and therefore the design of relocation units can greatly affect the production process.
- **Access to transportation** networks, facilities, and markets can be a determining factor in the ability of the poor to survive an emergency or emergency response (such as relocation). Evidence demonstrates that communities who are moved to remote areas struggled to maintain livelihoods and income generation strategies.
- **Social networks** often support livelihood activities. Generally, livelihoods are rooted in fragile networks based on social (and other forms) of capital. These networks are strained, and disruption due to emergencies and relocation can influence the economic ability of the urban and rural poor negatively.

PART 3

Response options for emergency housing

The Programme offers a variety of response options based on the need for a flexible tool to address various types of emergency housing situations.

The Emergency Housing Programme (Part 3 of the Housing Code, 2009) offers seven policy response options for emergency housing that are both proactive and reactive. These responses are divided into three main categories:

ON-SITE ASSISTANCE

- No relocation required. The site can be formalised over time, possibly through the use of other housing programmes (Category 1.1)
- Relocation required in future. However, the site can be made temporarily suitable for habitation (Category 3.2)

RELOCATION/RESETTLEMENT

- Relocation to a TRA which can be built on a temporary or permanent basis, and where households can be resettled in the future when a permanent solution arises (Category 3.1 and 3.3)
- Relocation to a permanent location with temporary assistance (Category 1.2)
- Relocation to an existing developed area with temporary assistance (Category 1.3)

FORMAL HOUSING REPAIR/REBUILD

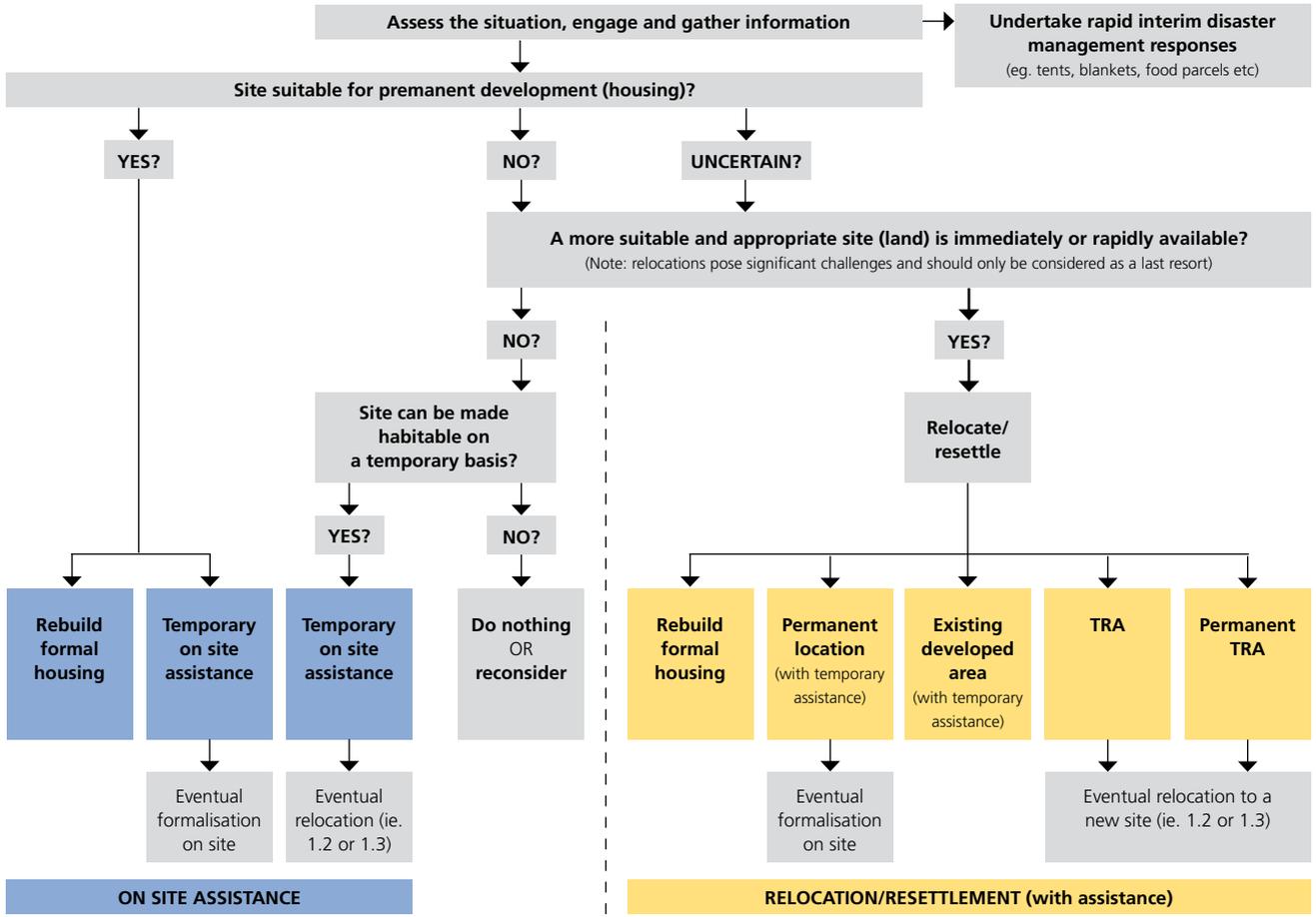
- Formal housing can be repaired or rebuilt on the same plot or with relocation to a serviced plot (Category 2)

DEGREES OF INTERVENTION

A 'degree of intervention' is a guideline that describes how involved and advanced the response will be. In certain cases, simpler or less advanced responses are preferred, or are the only possible options, especially owing to land or funding constraints, other planning priorities, or the needs of the community.

CHART 4

FLOW CHART FOR EMERGENCY HOUSING SITUATION (SUMMARY)



3.1 On-site (*in situ*) assistance

On-site assistance is rendered in the form of building materials or shelter construction that is provided on the site of the emergency. On-site assistance comprises a variety of choices that can be made regarding which materials to use, who should undertake the construction, and how the process should be managed.

3.1.1 When to use on-site assistance

- The site of emergency is likely to be suitable for future permanent housing development and *in situ* (on-site) development can take place (Category 1.1). Temporary housing assistance can be provided as a first phase toward permanent housing development, or as an interim measure until a permanent solution can be found.
- The site of emergency can be made suitable temporarily through technical or mitigating measures (Category 3.2). (Note: this should only be used if there is no suitable location for permanent resettlement. Costly temporary solutions should be avoided).

3.1.2 Common uses in South Africa

On-site assistance is most frequently used to address the destruction of shacks due to fires or severe weather events in urban and peri-urban informal settlements. This is done through the provision of materials for the construction of basic or temporary housing; through top-structure vulnerability reduction measures; and through the provision of basic services. The *in situ* assistance response has been utilised especially in peri-urban and rural settlements affected by severe weather events where the rebuilding of formal housing is not possible or ideal.

This response can be used proactively to pre-empt emergencies in vulnerable settlements. In cases where there is high risk and vulnerability, re-blocking of the settlement, improved materials for building, or basic servicing, can significantly decrease vulnerability and be a proactive response covered under this response category.

3.1.3 Specific funding considerations for on-site assistance

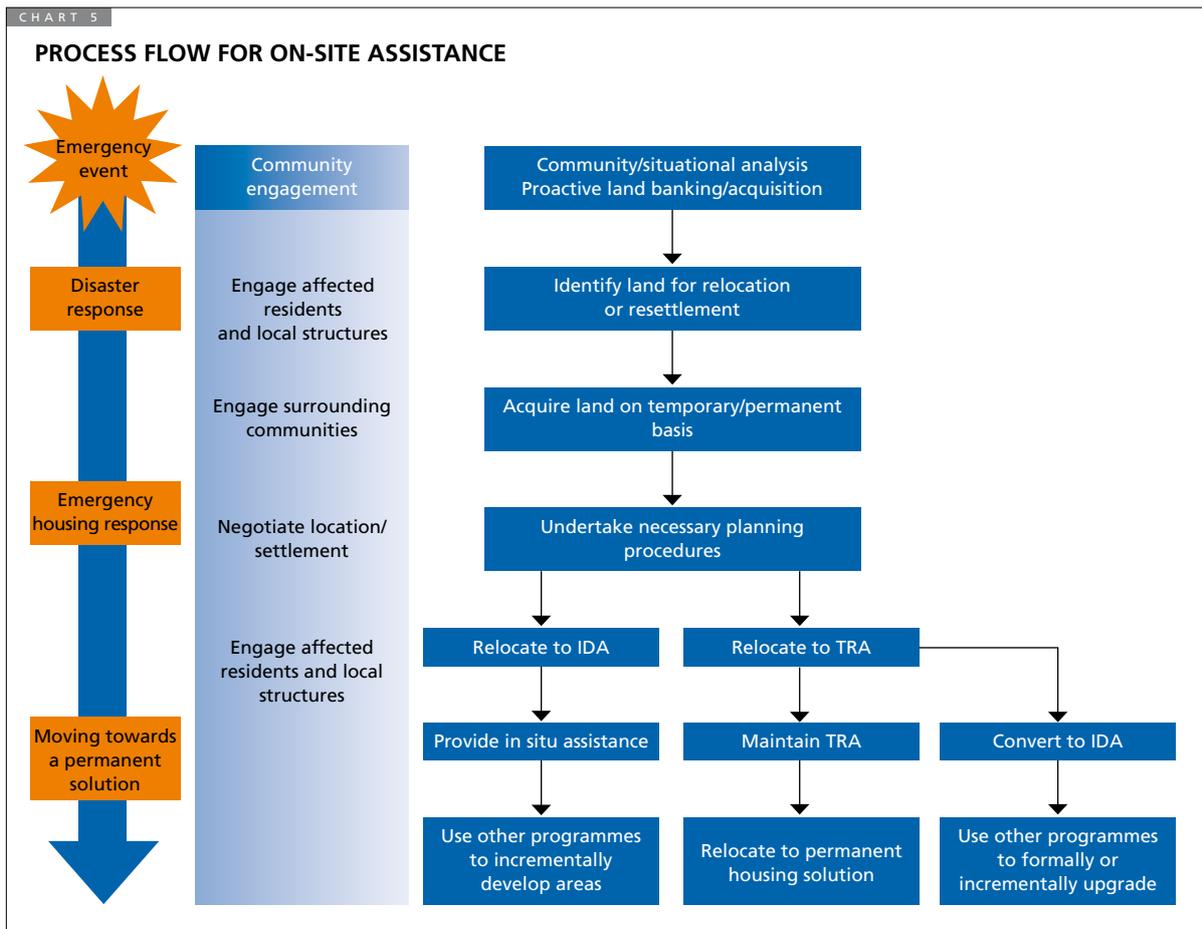
On-site assistance will not affect a beneficiary's ability to access a housing subsidy in the future, and the Programme can offer funding for emergency housing regardless of the eligibility status of affected households. It is imperative to balance rapid, short-term delivery imperatives (such as rapid delivery of materials to beneficiaries), with long-term upgrading/formalisation considerations (such as layout). Balancing investments undertaken on-site largely depends on the available knowledge of the site's potential for formal or permanent upgrading in the future. It is important to note that the Emergency Housing Programme is the only programme that offers funding for improvements to informal structures to decrease the vulnerability of communities in a rapid manner.

In the case of predictable (monthly/seasonal) emergencies, agreements for rapid release can be made between local and provincial government. There is no clear mechanism for municipalities to attain pre-approved funding for on-site assistance. However, some provinces do not require a full Emergency Housing Programme application to access funding for basic starter kits (in case of fire or flood). Instead, funding can be allocated on an annual or bi-annual basis, based on sound estimates of funding needs for the release of funding on a regular basis. In cases where interim services and alterations to the land are undertaken, a full application may be necessary, but the scope of the application varies according to province.

The process of accessing funding generally has been very slow in cases where full Emergency Housing Programme applications are needed. This is partly due to the need for provincial technical teams to assess the emergency situations on-site, and complete all administrative requirements. A functional working relationship between local and provincial departments is an essential component of programmatic emergency housing planning for rapid release of funding, and funding is often bridged for such projects. For this reason, it is recommended that municipalities have a source of funding available for bridging finance, and/or that they stockpile re-usable materials for on-site assistance.

In the case of full on-site transit camps where contractors will carry out implementation, the relationship between contractors and the municipality must be managed carefully, and the formal bidding process should be followed whenever possible. In some instances, two-year pre-approved tenders are pursued in order to ensure that the municipality is not over-charged for materials. It is possible to use the policy to circumvent the supply-chain for acquisition of building materials.

3.1.4 Process flow for on-site assistance



3.1.5 Choosing the degree of intervention

The most basic on-site assistance response requires the lowest level of investment. The disadvantages of a basic intervention are that the emergency housing response is often less sustainable, and materials are often not re-usable as they are of a lower quality. In cases where the site is suitable for permanent housing, or can be made temporarily suitable on a longer-term basis, the following more advanced interventions should be considered.

a. STARTER KITS: ON-SITE TOOLS FOR CONSTRUCTION BY COMMUNITIES

Basic starter kits should be used in cases where it would be risky to make a large investment in the settlement as relocation is necessary in the near future, or where formal housing may be delivered shortly. It can be used when an expedited response is needed, and there is no time to appoint contractors and arrange tenders.

- **Starter kits:** Fire and flood 'starter kits' are packages of materials used to rebuild shacks in informal or traditional settlements. Generally, they are given directly to affected households, and all households are given the same materials regardless of the degree of damage.

Kits often include timber poles, galvanised corrugated iron sheets, plastic sheets, and wire nails. The type of structure to be built depends on the quantity and dimensions of these items. The municipality, when considering what should be included in these kits, must be cognisant of what they intend to build (whether it is an entire structure or a roof only), and plan the sizes accordingly and strategically. When the municipality supplies materials directly to affected people, it should be supplemented with training.

- **Provision of kits:** The provision of starter kits or other materials often requires a partnership between the community and the municipality, often with the support of an NGO or CBO. Partners must work together to undertake the necessary and practical functions, whilst their capacity is developed toward managing the provision process. Important tasks that require both capacity and experience, are:
 - Documenting the details of beneficiaries and maintaining a fair and equitable register
 - Negotiating the appropriate response (materials needed, mitigating measures to be taken, and so on)
 - Transportation, storage, distribution, and documentation
 - Support regarding the building process
- **Approvals:** Planning approvals are generally not necessary for the provision of basic flood and fire kits (i.e. top-structure upgrades and starter kits). In addition, a full Emergency Housing Programme application is often not necessary.

b. CONSTRUCTION OF STRUCTURES - USING CONTRACTORS

Contractors can be used to construct higher quality structures, such as on-site shelter for transit camps. In emergency situations, the tender process for contractors can be circumvented to expedite this process. However, this should be avoided as it will likely decrease quality, and increase the price of the materials. Albeit that the bidding process ensures a competitive product, it is possible to waive the tender procedures in exceptional situations.

- **Use of contractors:** Government can appoint contractors to repair informal or traditional dwellings, or to construct a transit facility on site.
- **'Transit camps':** Consist of prefabricated temporary structures that are designed to decrease risk of emergency through uniformity of materials and layout, and can be used for more advanced options. The material is often re-usable and more durable than the basic 'starter kit'.

- **Local labour and skills transfer:** The contractor can supply materials and support in the construction process to ensure quality and fairness. Agreements can be made regarding the use of local labour, skills training, and skills transfer – this can reduce maintenance costs. Contractors can engage and forge learning partnerships with the community through the municipality and NGOs. If this is not undertaken, there is a high risk that skills transfer and ownership of the process will not take place.

c. ENGINEERING SERVICES – INTERIM BASIC MUNICIPAL SERVICES

Emergency housing funding is used to finance temporary and basic engineering services which includes basic sanitation, water supply, refuse removal, and access roads. Other services can be included, but alternative funding must be secured. It is important to note that the amount allocated for basic services is low.

- **Consumption costs:** The municipality can apply for funding to cover consumption costs of water, sanitation service provision, and refuse removal for a period of up to three years. However, the municipality is required to provide proof of their capacity constraints.
- **Flexible service provision:** Planning for flexible service provision that can be adapted for future upgrading or extension is ideal in cases where permanent settlement is envisioned. This means that the provision of services should start with communal facilities, but with the possibility of being easily convertible to individual provision in the future.
- **Norms and standards:** The norms and standards for municipal engineering services outlined in Section 2.5 of the Emergency Housing Programme (2009: 38) should be considered, but need not be adhered to. If the on-site response is part of a permanent solution, the response should entail preparation of the site for possible permanent future development.

b. APPLYING THE PRINCIPLES OF RE-BLOCKING AND MITIGATION MEASURES

'Re-blocking' is the process of reconfiguring or re-arranging shacks in informal settlements through the application of basic safety, engineering, and planning concepts. This can be as basic as constructing footpaths for pedestrians, or can involve more advanced technical interventions.

- **Mitigation measures and technical improvements:** These are interventions that work toward making the site suitable on a temporary or permanent basis. It includes aspects such as construction of retaining walls or retention ponds, regulation of flooding, stabilisation of slopes, and storm water control.
- **Re-blocking:** This process is used to create road access, prepare sites for technical interventions, and to make space for facilities or services. Re-blocking of the settlement is often necessary to decrease vulnerability and prepare the site for interim or basic servicing. Re-blocking should consider community spaces for social engagement, convenient pathways for mobility, access for emergency vehicles, and appropriate distances between dwellings.

Both re-blocking and mitigating measures may require beneficiaries to move off the site temporarily; if possible to adjacent land. However, if trust is not established between the partners, the community may have misgivings about their re-occupation of the site on completion of the intervention. For this reason, a mediator such as an NGO or community organisation can play an important role in ensuring that agreements are kept.

3.1.6 Key considerations

Temporary on-site assistance always includes some form of material provision and servicing in the form of a number of options. The following key issues should inform the choice of response.

a. MATERIALS AND SERVICE LEVEL

- **Durability:** This relates to the strength of materials and services. It is likely that stronger materials will be more expensive. However, they may be able to withstand future shocks and stresses resulting from weather conditions and attrition. Depending on the frequency of the emergency in a particular location, this is of greater or lesser importance.
- **Re-usability:** In cases where shelters are provided as complete structures, they should be designed in such a way that they can be packaged and stored for future use. Provincial government owns all materials, but agreements can be reached between local and provincial government about storage and transfer of ownership. Often, basic starter kits are not re-usable as the materials are damaged in subsequent emergencies, or beneficiaries take ownership of materials.
- **Quantity:** The amount of materials provided will greatly impact the degree of the intervention. Offering less material (i.e. a smaller number of poles or corrugated iron sheets), is known to cause tension, especially when beneficiaries are expected to provide additional material for full reconstruction of structures by way of their own means. In the aftermath of emergency or disaster, affected people often are unable to rely on social networks for support, and therefore struggle to supplement building materials. An example of offering large quantities would be to offer a greater number of longer timber poles.
- **Intended structure or form:** It is essential to consider the final physical form of the intervention, and to establish the degree of intervention toward achieving this.

b. METHOD OF CONSTRUCTION

- **Self-build:** In cases where beneficiaries construct their own houses, a clear method must be established to enable the provision of materials. Those who are unable to construct their own shelter need to be supported by contractors or NGO partners. Several municipalities have encountered problems when materials are directly administered without supervision, as beneficiaries occasionally sell materials informally or use them for other means. For this reason, most municipalities prefer to appoint contractors for more advanced on-site assistance. Self-build is only used for starter kits.
- **Use of contractors:** Contracting companies are hired to assist with the construction process. Government should consider the appointment of local contractors, and their employment should be negotiated with the representative committee/community representatives to enable skills transfer, employment, and community ownership of the process. Based on evidence from the case studies undertaken as part of the formulation of the Guidelines, it is shown that a larger upfront investment and better management of construction can provide better quality temporary housing, therefore decreasing vulnerability more effectively and reducing risk of repetitive costs significantly.

c. A NEGOTIATION PROCESS

- **Reaching an agreement:** Often communities can be persuaded to delay resettlement of the site of the emergency until safety measures can be put in place (such as re-blocking or building retaining walls). However, this requires mediation by NGOs and community organisation that have fostered relationships of trust and support. When requesting communities to delay resettlement, alternative accommodation must be offered in tents or community facilities such as church and schools halls - this is the domain of disaster risk management agreements between different departments.

d. TIMEFRAME CONSIDERATIONS

A range of unique considerations regarding timeframes, apply in cases of on-site responses.

Short-term	Medium-term	Long-term
<ul style="list-style-type: none"> • Where relevant, align with Disaster Risk Management Centres, and inform centres of plans for emergency housing • Ensure fair and equitable distribution of materials • Partner with local NGOs, CBOs, and FBO's to address materials and building processes 	<ul style="list-style-type: none"> • Address the cause of the emergency to prevent re-occurrence • Ensure that materials used in the intervention are sufficient to increase the resilience of the affected people 	<ul style="list-style-type: none"> • Decrease the vulnerability of affected households in the long-term • Utilise other housing programmes to upgrade areas • Ensure that no response measures hinder the ability of transforming the site into a permanent settlement in the future

3.2 Immediate relocation/resettlement (with assistance)

Relocation and resettlement refers to moving of people from one location to another on a temporary or permanent basis. Temporary relocation or permanent resettlement should be seen as a last resort, but there are instances where permanent resettlement or temporary relocation is necessary. Resettlement and relocation should be used with care, and should always be accompanied with on-site support in the form of temporary assistance.

3.2.1 When to use relocation/resettlement

- The current site is temporarily or permanently unsuitable for habitation
- Land is available for temporary relocation in an existing temporary relocation area, or the municipality establishes a temporary relocation area on a temporary basis to address this and other emergency housing needs (relocation)
- Land is available for permanent resettlement, possibly in an existing developed area (resettlement)

3.2.2 Common uses in South Africa

Temporary relocation or permanent resettlement can be used in cases where the site of the emergency (land or building) is temporarily or permanently uninhabitable, and people must be moved for a short period to a relocation area or permanently to a resettlement area. The suitability of the current land for rehabilitation or upgrading, and the availability of other land, as well as the terms of availability, will determine whether relocation or resettlement will be used.

Permanent resettlement is used to address emergencies where the 'emergency site' (land or building) is not suitable for permanent settlement. This option is used where households have been evicted or face threat of eviction; and where the likelihood of a recurrent and imminent threat to health and safety exists on the site. This results in households being resettled on land that can be upgraded incrementally for permanent settlement through the support of other programmes. Permanent resettlement to a permanent location with temporary assistance (Category 1.2), or permanent resettlement to an existing developed area with temporary assistance (less often used) (Category 1.3), are often referred to as 'Incremental Development Areas'.

Resettlement areas are usually established to:

- Accommodate the 'spill-over' of those who cannot be accommodated in an *in situ* upgrade project
- Provide accommodation for evicted people
- Accommodate households in circumstances where fire or severe weather events destroyed shacks, and where the municipality established that it is too hazardous to resettle the area permanently.

Relocation is used when affected households are able to move back to the site of emergency, or be housed on a temporary basis before securing a permanent solution. The most common application of relocation is that of the TRA which is established on a temporary basis. This option is often applied when land can only be leased or where government uses the land without payment to the owner, and therefore the establishment of a permanent area is not possible. Often, the area for relocation is not suitable for permanent resettlement. In such a case, motivation can only be made for temporary relocation to that area.

Temporary Relocation Areas are usually established to:

- Accommodate the 'spill-over' of those who cannot be accommodated on an *in situ* upgrade project
- Provide for a Temporary Relocation Area while a 'rollover' *in situ* upgrade is being undertaken
- Accommodate households in circumstances where fire or severe weather events destroyed shacks, and where the municipality established that it is too hazardous to provide an on-site emergency housing response due to a high risk of recurrent threat to health and safety.

Municipalities can establish or plan **an area that can be used permanently for temporary settlement**. This applies when the area is established on a permanent basis but the users continually move in and out of the area. However, this option is rarely considered as the establishment of a permanent area requires a great deal of planning (including a full EIA and other approvals), and is likely to be a lengthy processes. The *de facto* practice is to allow temporary areas to remain temporary for extended and indefinite periods of time – some temporary areas have been in use for over six years.

3.2.3 Specific funding considerations for relocation/resettlement

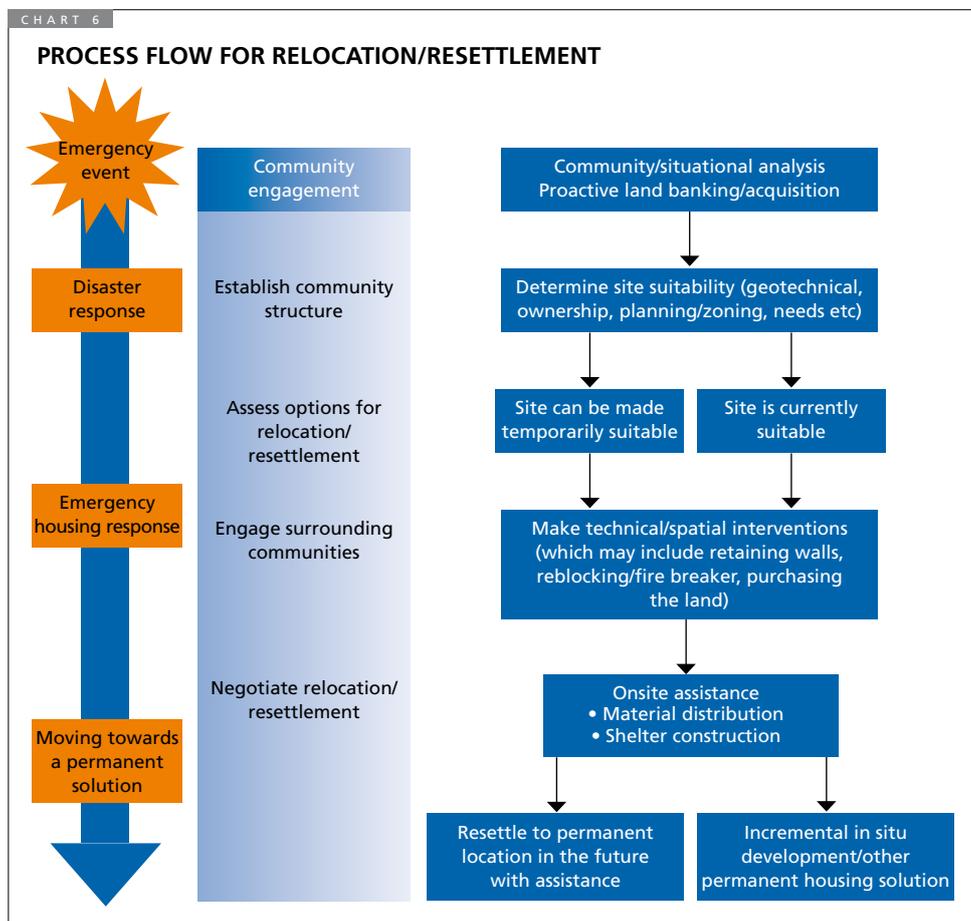
Resettlement or relocation (without formal house reconstruction) will not affect the ability of beneficiaries to access a housing subsidy in the future, and the programme can offer funding for emergency housing regardless of the eligibility status of the affected people.

Budgeting for resettlement must take into account the acquisition of land, the establishment of temporary structures and basic services, and the maintenance costs of services (including transportation and community engagement). All costs, including social and managerial costs, should be considered. Budgeting for temporary relocation areas is challenging as maintenance costs must be taken into account. The Emergency Housing Programme makes provision for the cost of consumption of services for a three-year period, but the general maintenance of the TRA will have to be borne by the municipality.

The long-term operating and maintenance costs of the TRA pose a challenge for municipalities who have no dedicated budget for this purpose. The cost of constructing a TRA is fairly high, and they are seldom temporary. Once established, they tend to remain in place, with new 'beneficiaries' moving in.

Whilst there are no eligibility criteria for those moved to TRAs, such criteria apply to formal housing developments to which TRA residents are ultimately moved. Non-qualifying households may become trapped in a TRA, thus prolonging the relationship between the affected community and the municipality. This must be considered in the budgeting process as maintenance of TRAs is a municipal responsibility.

3.2.4 Process flow for relocation/resettlement



3.2.5 Key considerations

Implementing relocation or resettlement requires addressing the process of moving people to a new location as well as the shelter that will be provided on the new site. The following key issues must be considered in implementing this option.

a. AVAILABLE AND WELL-LOCATED LAND

- **Land availability:** When affected households need to be moved rapidly, land availability is an essential consideration. The length of time that the land is needed (a short period for relocation and permanently for resettlement), may limit the options for availability. Temporary relocations should be located in proximity to the original or future resettlement site. The best case scenario would be to relocate beneficiaries within the same site. Ideally, well-located parcels of land would have been acquired proactively to address immediate need in an efficient manner.
- **Permanent land options:** When relocation is inevitable, it is prudent to relocate people on a permanent basis. This can only be undertaken on land that is owned by the municipality. However, for purposes of temporary relocation the municipality should lease or rent land on a temporary basis. The process of land acquisition is costly and protracted, and if land is not already secured, a rapid response may not be possible. Resettlement is permanent, and requires alignment with other formal housing delivery programmes; most importantly BNG, which is necessary to develop the area.
- **Location in relation to transportation:** Efficient and affordable transportation is essential for the survival of vulnerable communities. Short-term transport considerations are essential until transitions can be made regarding the location of employment and education. Affected households will not be able to change their employment location or transfer to schools immediately; they may not change at all if the relocation is temporary. It is therefore important to ensure that transportation to employment and education is accessible. Interim transport services will have to be provided until local services are delivered. If local services are not provided, transportation must continue. However, an area with services and facilities that are at capacity would be unsuitable for temporary relocation.
- **Location relative to facilities:** Facilities and resources in the area are necessary to ensure that vulnerable communities are able to meet their basic needs. It would be problematic to accommodate affected households in locations without access to facilities, despite relocation being a protracted process.

b. MATERIALS AND SETTLEMENT DESIGN FOR POST-RELOCATION/RESETTLEMENT

ON-SITE ASSISTANCE

- **Temporary shelter:** Temporary shelter should be offered on the site of relocation or resettlement. Temporary shelter can be as basic as offering starter kits or providing advanced structures. The Joe Slovo Constitutional Court case and the Emergency Housing Programme policy have put forward suggested guidelines for temporary shelter. However, on-site assistance can take many forms, and is determined by the capacity of the municipality, agreements between the municipality and affected households (especially in the event of an eviction or cases where the courts have become involved), and the length of time by which the materials and structures are meant to be used. As a general principle, temporary structures should be durable and reusable whenever possible. If materials are offered to initiate the process of incremental development on the site, the quantity and quality of the on-site assistance should reflect that intention.

In addition, the following should be considered:

- Settlement design should allow access to utility and emergency vehicles
- Land surveying and pegging of stands, and land use planning and environmental approvals must be undertaken. However, these should be at the most basic legal level
- According to the Programme, assistance is standardised, i.e. the same applies for all households
- Services can be limited to water, sanitation, access to roads, and open lined storm water systems. These must be provided on a shared basis in a dense settlement pattern (Emergency Housing Programme, 2009:38).

c. COMMUNITY ENGAGEMENT PROCESS

The community engagement process for resettlement and relocation is by far the most complex and sensitive of all interventions. In addition to the legal mandate provided by a variety of court cases that set precedent, the key reasons for having a strong and meaningful community engagement process, are set out below.

A meaningful community engagement processes should:

- Allow for building of trust between the community and the municipality, thus facilitating the negotiation process and agreements
- Encourage ownership of projects and support mobilisation of communities which will lessen the burden on the municipality to maintain established areas
- Consider all parties as 'partners' rather than 'providers' and 'beneficiaries' of resources
- Define a community representative structure, which may include accepting the existing community structure, or establishing a community structure for the emergency response. The benefit of the former is that it can be called upon rapidly, but the disadvantage is that only a portion of the representatives might be affected by the emergency. In addition, internal community dynamics must be taken into account to ensure that representation equal and unbiased
- Engage and sensitise the surrounding or receiving communities. In the process of resettling to an existing developed area or relocating to a TRA that is established on a permanent basis, it is necessary to consider additional inter-community dynamics that could lead to violence between the 'entering' and the 'receiving' communities. Incoming and receiving communities are often not part of existing social networks, leading to hostility or lack of social cohesion.

d. TIMEFRAME CONSIDERATIONS

A range of unique considerations related to timeframes apply in cases of relocation and resettlement where affected households are moved from their location of inhabitancy to another location on a permanent or temporary basis.

Short-term	Medium-term	Long-term
<ul style="list-style-type: none"> • Finding a suitable location with access to facilities, services, and opportunities • Transporting and relocating affected people and belongings • Assigning identification cards for monitoring purposes and relevant enumeration systems 	<ul style="list-style-type: none"> • Maintenance of areas constructed in terms of the Programme • Establishing type of on-site assistance offered (i.e. starter kits, TRAs, and others) • Addressing livelihoods, shifting community structures, and attending to special needs groups • Clear communication with affected households regarding the length of time they will remain in temporary accommodation or plans for formalisation 	<ul style="list-style-type: none"> • Addressing the needs of qualifiers and non-qualifiers of other programmes • Dismantling or formalising the temporary area (through incremental upgrades)

3.3 Permanent formal house reconstruction or repair

In exceptional cases where a formal house has been damaged or destroyed, this Situation Category allows for the repair of damages or rebuilding of a formal dwelling, either on the site or on a new site that is serviced. Repairing formal houses includes fixing damages, and reconstruction may require rebuilding the entire house. This can take place on the site of the emergency, or if the site is seen as unsuitable or too hazardous, at a new location.

3.3.1 When to use formal house reconstruction or repair

- The house is formal and permanent and the affected household has ownership or security of tenure
- The affected household owns the structure, is protected in terms of Interim Protection of Land Rights Act, and land rights are not contested
- The affected household is not living in the backyard of a formal dwelling (if that is the case, Category 1 or 3 should be used)
- No insurance can be used for top-structure repair

3.3.2 Common uses in South Africa

The main use of this category would be in cases where a formal house has been permanently damaged, most often due to unforeseen and extreme emergency conditions. This applies where replacement of basic materials would be insufficient to address vulnerability, or would not be compatible with the existing house typology.

Resettlement to a new location is not often used, but in the rare case that formal house construction was permitted in an unsafe location, resettlement can be used as a last resort.

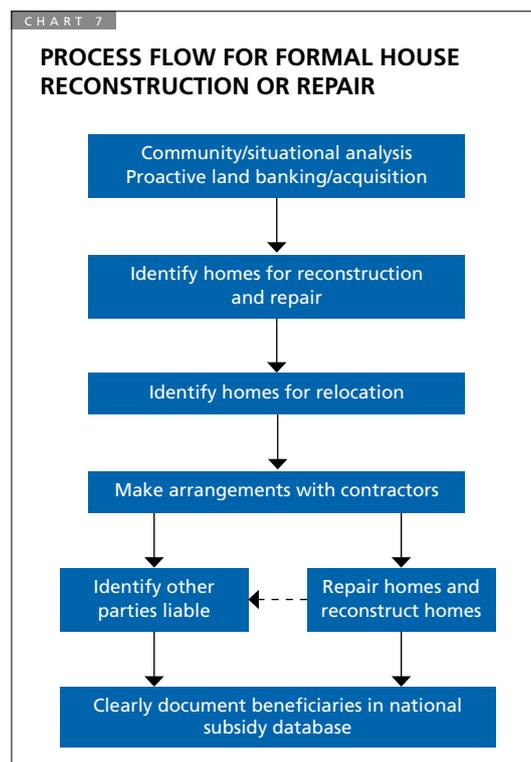
3.3.3 Specific funding considerations for formal house reconstruction or repair

In cases where formal house repair or reconstruction is used, this funding is considered as a housing subsidy. In locations that experience severe weather events or other scenarios that could lead to emergency situations where formal housing is damaged or destroyed, it is essential to have pre-arranged agreements with contractors to ensure that value for money is not compromised in cases of emergency.

Formal house reconstruction is not an insurance policy, and while the municipality should respond rapidly to address the issue of homelessness, it is possible that funds will have to be collected from liable parties in cases where there are clear faults, rather than from the provincial Emergency Housing Programme budget. If the affected households are not within the boundaries of a formal township, they are entitled to functional land tenure or are permitted to be accommodated on communal land. The use of the Programme is acceptable in this case, and assistance can be provided for one house per household.

IMPORTANT NOTE: Beneficiaries of formal house reconstruction must qualify in terms of the income criteria and not own a second property. The Programme states that searches against property registers will only take place in the case of formal house reconstruction (Emergency Housing Programme, 2009:19). Additionally, there is no way to ensure that responsible house maintenance is undertaken by home-owners, and that municipalities or home-owners do not exploit this category to address negligence and lack of maintenance of assets. Municipalities should avoid formal house reconstruction in events that are predictable or based on negligence. Other categories or programmes can be used to address this.

3.3.4 Process flow for formal house reconstruction or repair



3.3.5 Key considerations

Implementing formal house reconstruction or repair can be a difficult process. It is often expensive and difficult to assess who should be accountable and how accountability should be held. The implementation options for Category 2 (Permanent Formal Housing to be repaired or rebuilt) are set out below.

a. CLARITY BETWEEN LOCAL AND PROVINCIAL GOVERNMENT

- Disagreements may arise regarding responsibility for formal house repair (i.e. contractors, persons causing destitution, insurance companies, and others). The role of the municipality may be to seek compensation for damages from other sources than the Emergency Housing Programme. However, in applicable cases, the spheres of government must cooperate to ensure that houses are rebuilt on time to avoid additional strain on other departments and programmes – ensuring timely inspections by technical teams is example of effective cooperation.
- It is essential to ensure agreement between local and provincial government regarding applicable development approvals prior to construction or repair. This varies depending on the location of the affected houses (i.e. rural or urban); tenure status of affected people; and between provinces.

b. CONTRACTOR ARRANGEMENTS

- Formal house repair or reconstruction generally warrants the use of professional contractors and builders. This is not specified in the policy, but it is common practice.
- Depending on the scale of the emergency and the capacity of the disaster response, the speed at which contractors need to attend to repair and rebuilding, will differ. Sourcing materials and training local labour are often time-consuming, but compromises are inevitable and must be assessed carefully.
- Contractor relationships can be established prior to emergency events so that they can be deployed rapidly to start the process of reconstruction or repair. Contracts must be assessed on a regular basis to ensure quality vis-à-vis funding.
- Contractors should supply materials and support the building process to ensure quality and fairness. Agreements can be made regarding the use of local labour, skills training and skills transfer, which can reduce maintenance costs.

c. RELOCATED RECONSTRUCTION

- In the case of resettlement, all of the concerns outlined in the Guidelines for resettlement should be considered.
- The new site must be serviced. However, the settlement pattern can be flexible depending on the characteristics of the original settlement area.

d. FORMAL RECONSTRUCTION CAN BE SEEN AS 'GIVING HOUSES'

Where formal housing has been damaged or destroyed, it is often expected that a formal house will be built for the affected person. While the Programme makes provision for this type of response, it is often costly and time consuming, concentrating rather than spreading limited resources. This is a politicised issue, and it is essential that the list of beneficiaries is assessed for legitimacy and that community tensions are addressed between those who are receiving assistance and those who do not.

e. TIMEFRAME CONSIDERATIONS

The following unique considerations regarding timeframes apply in the case of formal house reconstruction or repair:

Short-term	Medium-term	Long-term
<ul style="list-style-type: none"> • Consider issues of liability and determine if other programmes are more suitable to address the issue • Consider the resources of affected households • Align with the necessary disaster management apparatus to address immediate need, as repair and reconstruction can be time consuming and delayed 	<ul style="list-style-type: none"> • Consider the use of contractors, and how and where the houses are rebuilt • Consider the most effective use of resources for large-scale emergencies 	<ul style="list-style-type: none"> • N/A

PART 4

A programmatic approach

Emergency housing situations must be dealt with rapidly, flexibly, and responsibly. In this regard there are several areas where municipalities can improve their preparedness to deal with emergency housing situations proactively. Addressing emergencies in a responsive manner can be more expensive and less effective than taking a proactive and forward planning approach. It is important to note that the enabling programme level actions described in this section may take time to complete, and that emergencies requiring attention may arise in the meantime. Municipalities should therefore not delay addressing emergency housing situations in order to undertake programme level actions first.

4.1 Rationale for a programmatic approach

A programmatic response enables municipalities to respond in a proactive, planned, and integrated manner when emergency housing situations arise. This includes putting in place many of the enabling relationships, funding sources, and communication channels, in advance of emergencies. A programmatic response assists municipalities to anticipate and pre-empt emergencies before they arise, and ensure that emergency responses take place within a long-term planning framework. While it is possible to undertake emergency housing as a purely reactive and responsive programme, this method is likely to be expensive and incur additional and unnecessary costs.

HIGH SOCIAL, ECONOMIC, AND BUREAUCRATIC COSTS OF REACTIVE RESPONSES

- **Social costs** are costs borne by third parties who may struggle or suffer due to the emergency housing intervention. In most instances emergencies have a high cost to society and communities as they are often accompanied by disabling stresses and shocks. For this reason, any proactive attempts that the Emergency Housing Programme can make to reduce risks and avoid hazards, will contribute positively to society as a whole. When emergencies are addressed on a responsive and *ad hoc* basis, there will be high social costs for the affected community, often with negative ramifications throughout the city. Loss of livelihoods of affected people is often one of the most sensitive social costs due to the negative and wide-ranging impacts of high unemployment, anger, and frustration.
- **Economic costs** of emergency housing are complex and difficult to measure. While there is funding available for land, basic services, and temporary structures, additional costs such as maintenance and other hidden costs, are borne by the municipality. Proactive planning and the use of other programmes have the potential to decrease financial burdens, while hasty solutions incur higher costs.

- **Bureaucratic costs** are associated with the time that officials spend to respond to demanding emergencies, rather than planning for and implementing housing programmes. Unpreparedness reflects negatively on municipalities, and some receive bad reports and criticism in the media regarding their response to emergencies, given their limited resources and insufficient planning.

4.2 Components of a programmatic approach

This section provides suggestions on types of forward planning for local and provincial government to deal with emergency housing situations effectively when they arise, and to prevent emergency situations.

4.2.1 Rapid assessment of informal settlements and areas of high vulnerability

It is important to have a clear understanding of the existing situation within informal settlements and areas of high vulnerability, especially pertaining to risks and the potential for development. This will assist decision-makers to formulate better proactive and reactive responses. Key aspects for assessment include, but are not limited to:

- Flooding
- Fire (pertaining to top-structure materials and overcrowding)
- Wind damage
- Disease (pertaining to sanitation and water supply)

Government should compile short profiles based on the following information for each informal settlement:

- Name of settlement, number of households, and location of settlement
- Recent aerial photograph
- Existing top-structure materials and settlement pattern
- Existing infrastructure (water, sanitation, roads, electricity)
- Existing social facilities and accessibility to facilities (such as schools and health care)
- Main emergency risks posed (for example fire, flooding, wind damage, disease)
- Overall risk and vulnerability rating (relative to other settlements)
- Key proactive mitigation measures recommended

IMPORTANT NOTE: A process of rapid assessment and categorisation should have already been completed by the municipality as part of the informal settlement chapter of its Housing Sector Plan. Much of the required information may therefore already be available, including the 'developability' prognosis for the informally settled land in question.

4.2.2 Proactive planning and land acquisition

Rapid land acquisition is rarely possible, and it is difficult to identify suitable land for resettlement or relocation without some preparation and planning. Land that is available for relocation (possibly because it is already in the ownership of the municipality) is often unsuitable, as it is located on the periphery of urban centres, or poorly located, making it difficult for people to access networks, services, and employment. In addition, NIMBYism frequently impacts negatively on municipal planning approvals when surrounding communities have objections regarding the relocation or resettlement area.

In order to 'get ahead of the game', it is advisable that municipalities proactively plan and acquire land for various purposes, including new settlements (Incremental Development Areas), as well as land currently informally settled but suitable for eventual formalisation and permanent housing.

OPTIONS INCLUDE:

- **Suitable land inventory:** It is useful for a municipality to assess what land (vacant or settled) may be available and suitable for development. Consideration needs to be given to the location of such land, especially proximity to transport, infrastructure, social services and long-term city-wide spatial considerations. The 'developability' of the land, including features such as slope and geotechnical conditions, must be assessed. A programme or timetable for land acquisition should be developed to make land available when it is required for various purposes. Planning for land and acquisition is a resource intensive and slow process that requires approximately two to five years - even for transfers of land between government departments. It is imperative that land is acquired timely, but excessive land banking should be avoided, given the high holding costs of land and risks of land invasions on State-owned land.
- **Land planning:** Where the demand for additional land is current, imminent, or short-term (and as per the land acquisition timetable), it is beneficial to undertake preliminary planning and other technical assessments on prioritised land parcels; not only to confirm their suitability, but also to determine a preliminary land use concept, considering an Incremental Development Area, new low-income housing development, or TRA. This will provide a preliminary indication of costs for acquisition and development, and stakeholders to be involved. If relocation is intended, it is important that adequate consultation and engagement with affected households take place as part of the process. It is imperative that the municipality confirms the suitability of the new site in terms of supporting the livelihood strategies and activities of households, such as access to employment, transport, education, and income generating activities.
- **Land banking:** Where the demand for additional land is current or imminent (as per the land acquisition timetable), and subject to available budget, land banking may be appropriate. Land banking may be more affordable than purchasing land after an emergency, as the pressure tends to escalate prices, and means that land is already available when on request. However, as soon as land has been banked, it must undergo an Environmental Impact Assessment before it can be utilised for emergency housing purposes.
- **Materials stock piling:** It is sensible for the municipality to purchase and store materials for immediate release in emergency events. This means that all materials are stored in a clean and safe location and remain in good condition.
- **Establishment of contractor bids:** While it is possible to use the emergency supply chain procurement procedures, this is not ideal. Instead, the formal route should be used to ensure that the price and contract is fair. Contractor bids should be established before emergency situations arise to avoid unfair contractual agreements.

4.2.3 Improved intra- and inter-governmental cooperation

The roles and responsibilities of government spheres and departments must be defined, and recognised in accordance with their capacity. This means that municipalities with limited capacity will need to clearly assess capacity and resources with support from provincial department to avoid gaps in implementation.

OPTIONS INCLUDE:

- **Provincial Human Settlements Departments:** Establishing functional working relationships between local and the provincial government will contribute toward funding release and capacity development. Local and provincial government should work together to consider the best programmatic approach and ensure that both spheres are well-briefed on the policy.
- **Disaster risk management structures:** It is beneficial to establish where the role of the disaster management centres ends and where the human settlements departments take over. At both local and provincial levels, clarification of responsibilities is required regarding material supplies, services, and conditions pertaining to these.
- **Building institutional knowledge:** The Department of Human Settlements should ensure that they are conversant in the opportunities and constraints of the policy to build capacity prior to an emergency situation. Consistent communication between the municipal and provincial human settlements departments and Disaster Risk Management Centres will ensure that roles and responsibilities are well understood and that officials are capacitated.

4.2.4 Funding arrangements for an emergency housing programme

In emergency situations, implementing agents must plan and act rapidly in making decisions and securing resources. Securing funding for projects is a critical step, and requires agreements between local and provincial government for fast-tracking and collaboration on expedited funding release.

OPTIONS INCLUDE:

- **Working relationship between spheres of government:** The accessibility of funding is often determined by the working relationship between local and provincial government, and the type of emergency responses (responses have different funding requirements). This relationship can be built through continued communication, clear understanding of funding procedures by both spheres and agreements on when and how to use the Programme.
- **Assess funding needs:** The risk assessment can support municipalities to assess the potential needs to fund emergency housing and plan accordingly for priorities and financial allocations. This assessment may include scoping of informal settlements (especially those in hazardous locations or in the way of proposed development), and dangerous buildings and sites of potential eviction.
- **Develop Medium Term Expenditure Framework (MTEF) estimates:** It is important to develop budget estimates for proactive and expected reactive emergency housing responses. These estimates should be discussed with the provincial government. Proactive measures will have to be prioritised and negotiated, based on existing resource constraints at both provincial and municipal levels.
- **Obtain MTEF allocation from provincial government:** Obtaining a provisional municipal allocation for emergency housing from provincial government will significantly improve the response time for emergency housing, and eliminate the need for the municipality to provide bridge funding. Such budget allocation is subject to the submission of short proposals or applications on a case by case basis for specific emergency housing. This will ensure that accountability is maintained in the process.

4.2.5 Community partnership building

The process of emergency housing provision often requires the formation of partnerships between the State, community, NGOs, CBOs, and civil society organisations; especially in settlements where there is animosity between the State and the community. These relationships should be established before the onset of an emergency as they take time to establish and develop. Access to existing information on the community, and putting in place partnership structures for communication and negotiation prior to the emergency situation, will aid implementation.

OPTIONS INCLUDE:

- **Undertake community profiles:** This may include rapid assessment, as well as socio-economic profiles of residents or participatory settlement enumeration processes. This profile can be converted to data that can be used to begin a process to engage with communities and community organisations, plan interventions, and assess needs.
- **Establish strong and trusting community relationships:** Relationships with communities should ideally be developed before an emergency. These will assist in negotiation with and gaining support from communities. The support of trusted CBOs, FBOs and NGOs is invaluable in this regard. Additionally, upholding agreements between the State and communities will foster trust.
- **Establish partnerships with NGOs:** NGOs with specialist skills or with existing relationships with communities are in a position to provide additional capacity and assistance, aid in negotiation processes, and help manage agreements.
- **Building community capacity:** There is a need for communities to enhance their internal capacity to interact with the State. Potential programmatic ways in which government can enhance capacity in communities are through leadership development within communities through training; supporting horizontal learning between communities; providing livelihood support; local risk monitoring and risk reduction activities; setting clear roles and responsibilities of the State and communities; and supporting and guiding citizenship initiatives.

4.2.6 Integrated long-term planning

Long-term and integrated planning alleviates the need for an Emergency Housing Programme, and reduces the associated costs of temporary, expedited, and *ad hoc* responses to emergencies. Emergency housing responses should not impede long-term and integrated planning efforts. This means that proactive and preventive planning should take place to prepare for emergency housing situations and responses.

Integrated Development Plans (the IDPs) and Housing Sector Plans (HSPs) need to identify and mitigate risks through a range of developmental approaches; especially for high-risk areas such as informal settlements, bad buildings, in cases of farm worker evictions, and other emergency situations generally in which the Emergency Housing Programme is applied. These approaches may range from conventional upgrading and housing delivery, to the broad-based provision of interim basic services at scale including UISP, PHP, BNG, CRUs, Social Housing, and other programmes.

PART 5

Frequently asked questions

- **Where can I find the full policy for the Emergency Housing Programme?**

The full policy can be found on the web page of the Department of Human Settlements: <http://www.dhs.gov.za/>. Here you will find the full Housing Code. As of 2011, the Emergency Housing Code is listed under Part 4: Incremental Interventions.

- **What is emergency housing and what can the Emergency Housing Programme be used for?**

Emergency housing is a programme developed to address the constitutional right of South African citizens to access housing. It is intended to address homelessness, eviction, and living conditions posing immediate and serious risk or hazard. The Programme can be used to accommodate households located in the way of development and services (such as pipelines, roads, and others). Emergency housing can be used to purchase and disseminate materials to construct shelter, assist with relocation to new sites, settlement planning, and interim basic servicing.

- **Who qualifies for emergency housing funding?**

There are very few stipulations concerning non-qualifiers for emergency housing. In the case of formal house repair, households with resources and assets do not qualify for assistance in terms of the Programme. Otherwise, emergency housing funding can be used to address households who do and do not qualify under the housing subsidy scheme.

- **Where do I find the guidelines of emergency housing spending?**

The annual subsidy quantum will offer guidelines on funding for each component of the Emergency Housing Programme. It is important to note that, although land acquisition is covered by the Programme, the subsidy quantum does not include an amount for land acquisition, as other programmes are better suited for land acquisition.

- **Who funds emergency housing?**

As a national programme, funding is allocated to provincial government for distribution in cases of emergency where emergency housing is needed. Provincial government should release funding to municipalities in a timely manner.

In cases where the provincial government is unwilling or unable to release funding, the policy states that the municipality must address the situation according to their capacity and capability. This often requires bridging funding or the use of other resources (such as rates) to pay for emergency housing.

- **Can emergency housing be used for formal housing construction?**

The Emergency Housing Programme is intended for emergency situations, and is not a formal housing construction programme. Unique cases exist where formal house repair and reconstruction are supported. This applies where the home-owner does not have the means to rebuild the house, and deconstruction is due to unforeseen circumstances. The Emergency Housing Programme is not a formal housing delivery programme, but must endeavour to align with formal programmes, and fill in the gaps where such programmes fall short to meet the housing need, leaving households homeless or in dangerous situations.

- **Why should relocation be avoided?**

Often poor people in rural and urban situations settle in areas that meet their needs and are well-located. While such settlements are informal with a range of health and safety concerns, the location and social networks are usually the basis from which risks are managed. When households are relocated, their social networks often are interrupted and they struggle to rebuild small or informal businesses. Relocation should be carefully managed, with special consideration of the site of relocation and the materials offered for on-site assistance. Whenever possible, permanent relocations to suitable sites should be prioritised.

PART 6

Case studies

1. EtheKwini

- **KwaMakhutha** – *in situ* formal and transitional house repair in the wake of a devastating storm in peri-urban eThekweni
- **Jadhu Place** – *in situ* use of transit camps in the wake of an informal settlement fire

2. Cape town

- **Joe Slovo** – relocation as a result of fire and eviction from informal settlements and Temporary Relocation Areas

3. Johannesburg

- **Pikitup** – site eviction from an unsafe location
- 

6.1 Ethekwini case studies

Key lessons learned

Funding release and creating working relationships between local and provincial government

The slow and cumbersome process of fund recovery for emergency housing projects is the foremost concern of the eThekwini Municipality, as bridging of funding is becoming increasingly difficult for the municipality. Typically, this process takes between one and two years, affecting funding cycles and the City's capacity to monitor spending. Additionally, the provincial government will only release funding for items specifically indicated in the policy, allowing no flexibility to the housing departments responsible for emergency housing when other departments (such as Disaster Risk Management) fall short.

Monitoring and evaluation of projects

The eThekwini Municipality has progressively worked toward regularising the provision of emergency housing. The City prefers to take responsibility for project management in the provision of emergency housing, and to utilise local contractors to expedite rebuilding and ensure quality. In the past, material vouchers were provided to allow for self-build, but often materials were sold or used for other purposes. In efforts to manage beneficiary information efficiently, and to ensure that emergency housing needs are addressed directly, the municipality encourages households affected by fires to open a case at the nearest police station to make certain that the reporting and confirmation of being affected is 'legal and binding'.

Sustainability of intervention

The replacement of materials through on-site transit camps and the full repair of formal houses are more sustainable and durable solutions to emergency housing. These are proven insufficient to reduce vulnerability by using significantly higher standards for building and design. However, these interventions also tend to be most costly, and care should be taken when the Emergency Housing Programme is used as a formal housing solution.

Interim servicing

The eThekwini municipality finds it challenging to equip transit areas with basic services. Electrification of transit sites is problematic due to transfer and eligibility issues concerning the connection fee and NERSA (National Energy Regulator of South Africa) connection subsidy - when residents move to formal housing, the connection subsidy from NERSA is forfeited. Efforts to align the programmes are underway.

6.1.1 Kwamakhutha case study: Peri-urban Storm Emergency Housing Situation

A severe storm hit the area in late December 2008, devastating several areas and leaving approximately 1,500 people homeless. Provincial government declared a disaster in order to allow for the release of food, blankets, and tents, administered by field workers from various line function departments and volunteers from the Red Cross.

The first step of the intervention was to **rent tents** that could accommodate households until houses could be rebuilt. The Provincial Department of Disaster Management and the municipal housing department coordinated the provision of individual tents and shipping containers used as distribution points for food and blankets.

In March 2009, the municipality appointed contractors to oversee the **rebuilding of houses**. *In situ house repair* was chosen as a suitable intervention due to the vulnerability of many of the houses deriving from poor construction methods and maintenance. The municipality argued that the easiest way to create shelter, increase durability, and circumvent planning applications and assessments, was to rebuild the housing unit as it stood.

The municipality acted rapidly in choosing an appropriate emergency housing response to address the need for approximately 1,000 houses to be rebuilt and 500 to be repaired. All of the houses affected by the 2008 storm are situated on land that is owned by the Ingonyama Trust. This tenure relationship offered **de facto security of tenure** in the area for local residents, thus allowing the use of the Emergency Housing Programme for formal housing repair under Situation Category 2 of the Programme. **No planning and development approvals were undertaken**. To allow for **relatively rapid provision**, 'permanent' housing was secured through upgrading of structures rather than strict adherence to the RDP/BNG model of housing delivery.

The Programme used the **existing community representative structure of ward councillors and Area Development Committees (ADC)** to disseminate information about plans and interventions. The ADC was responsible for identifying affected households in each ward, but each ward followed different procedures for **identifying and listing affected households**. In some wards, affected households contacted **the local CLO** who entered their names on the list that was sent to the councillor, and then to the municipality. In other cases, ward members and the councillor **inspected the area, identifying affected houses**. Each councillor managed the issue of accountability differently, which resulted in some wards listing all affected households, while others only listed the most severely affected households (Interview with Project Manager, April 2011).

There were insufficient materials to assist all households. Some were turned away towards the end of the process when the budget was exhausted, while others were turned away for not contacting the CLO within the timeframe stipulated prior to submitting the list to the councillor. These people are now renting or living in the remnants of their old houses. Some have managed to rebuild their houses meagrely, though many are unable to afford renovation. This process highlights the importance of **using the Emergency Housing Programme to channel limited resources to the most affected first**; albeit that the entire area may be vulnerable and at risk.

The **rebuilding of formal housing amounted to R54 million**, which the municipality had to bridge from a municipal fund. In 2010, R19 million was still to be recovered, pending further negotiations with the provincial government. By March 2011, R6 million was outstanding, and the municipality is facing audit charges to account for spending. This encumbers the municipality's ability to continue to respond immediately, as they do not have the capacity to enable bridging finance.

6.1.2 Jadhu place case study: Informal Settlement Fire Emergency Housing Situation

On the night of 19 April 2008, a massive fire broke out in Jadhu Place, located within Springfield Park, approximately 15 km north-east of the Durban Central Business District, leaving 600 households homeless. Prior to this incident, fires were common (between four and six per annum), and government intervention was minimal. This fire, which affected nearly half of the settlement with a population of approximately 1,200 (eThekweni Municipality, 2008), was the beginning of an on-going relationship between the Jadhu Place community and the eThekweni Municipality.

The Emergency Housing Programme was called upon for support, as the internal coping mechanisms of the community could not withstand the degree of shock and stress due to the loss of homes and possessions. Household income levels in the community were estimated to be between R0 and R1,500 per month, suggesting that affected households had insufficient funds to rebuild their houses without government support (eThekweni Municipality, 2008). The municipality identified shelter provision as the first and most essential component of the recovery processes, acknowledging that there would be a delay before 'proper placement in subsidised housing' could be achieved (eThekweni Municipality, 2008:2). Thus, interim *in situ* housing was offered, and the municipality called upon Disaster Management to supply blankets and food to affected community members.

While this process was underway, affected households were accommodated initially in a large communal tent, with the crèche located on the outskirts of the settlement. Some people remained in the tents for almost a year, while others took it upon themselves to rebuild their shacks along the edge of the settlement almost immediately. Community leaders encouraged community members to rebuild in locations that would not be used for the construction of transit camps. Community members reported that the communal tent did not allow for adequate privacy; hence, households could not be stopped from temporarily erecting shacks. Within a year, the municipality provided the tools and materials to build *in situ* transit camps, and initiated the land preparation process.

Land was levelled and retaining walls built to prevent future mud and rock slides. Approvals were easy to obtain due to the 'state of emergency' of the settlement. This also marked the beginning of the preliminary assessment process to understand the feasibility of establishing formal housing on the site. These efforts were the first to be undertaken by the municipality and various contractors, to prepare the site for the transit camps.

Currently, 95% of the site consists of transit camps, with only a small number of households still residing in informal dwellings. This is likely to change soon, as recent small-scale fires within the informal areas (affecting between 10 and 20 households) have created pressure to convert the entire site to transit camps. During the most recent fire in the informal settlement, the transit camps were also affected by the fire. This suggests that without converting the entire site, the municipality runs the risk of having to reinvest in areas already converted.

Rather than undertaking the cumbersome process of formal planning (including planning and environmental approvals), basic re-blocking techniques were used to **re-organise the shacks into rows with firebreaks**. Planners from other departments were consulted, and planning principles guided the new layout of the site. Dusty and rocky dirt roads running parallel to the contours allow residents safe access to the entrance of their transit camp dwellings in case of an emergency. These roads are wide enough to allow access to cars, but not to larger vehicles.

According to community leaders and residents, the transit camps are an **improvement on the shacks** that were demolished in the fires. The new block layout of the transit camps consists of row-housing with internal dividers that reduce the spread of fires. However, the materials used are not fire resistant – each household's 30m² attached structure is constructed from timber, corrugated iron, treated poles, and insulating material, and are intended for re-use if and when households are moved to formal housing on or off site. Residents complain about the heat retention and insulation causing extreme temperature variations. Notwithstanding, efforts have been made to use materials that are both cost effective and address human comfort, including

Masonite sheets for lining and insulation. Residents consider these structures as one step closer to accessing a formal house, despite not knowing when.

The use of the Emergency Housing Programme as an approach to informality in Jadhoo Place appeared to be realistic and proactive. In this case, informality and informal dwellers were not criminalised, but efforts were undertaken to address the associated risks.

6.2 Cape Town case study

Key lessons learned

Community engagement

Community participation is essential. Transparency regarding the shelter options available to affected households, as well as the outcomes of plans, will contribute to maintaining the integrity of the project and encourage community buy-in. Thwarted expectations and failed delivery lead to despair and violence.

Standards

Flood and fire kits, as well as TRAs offered by the City of Cape Town, were held up to scrutiny. While the TRAs generally have now been raised to the basic standards, it is questioned whether these spaces are adequate, dignified and habitable. However, some TRAs are at a standard that is close to, if not better than, formal housing (i.e. one toilet per house, aesthetically pleasing, and so on). These interventions are costing more than the basic funding amount provided by the annual housing subsidy quantum. Subsequently, significantly varied levels of service and quality of TRAs are visible across Cape Town.

Problems of Transitional Relocation Areas

The existing TRAs present a variety of issues in that they are not temporary; they are unsafe and not well-located; do not offer security of tenure; and do not provide options for permanent placement. Due to the aforementioned challenges, provincial and local government are working together to create a solution that allows for increased options for permanent relocation and incremental development.

The location of relocation sites is critical to the success of the intervention. The resilience of vulnerable communities that were relocated depends heavily on the location of the relocation site, as well as on the duration of the period of relocation. The location must be adequate in terms of a number of basic standards, and suitable in the opinion of the affected community.

The choice of land for relocation failed to take into account a number of key issues. Firstly, while the Emergency Housing Programme does not differentiate between qualifiers and non-qualifiers, the national housing subsidy programme cannot be used for non-qualifiers, and other permanent formal programmes will have to be used. Therefore, relocating households who do not qualify for subsidised housing to sites that are earmarked as such, will cause conflict. In addition, the land acquisition process did not take seriously the importance of location pertaining to services, social networks, and employment opportunities, as essential for the survival of the urban poor.

Complex institutional relationships

Several role players are involved in the implementation of emergency housing in Cape Town, often with overlapping responsibilities. These include the City of Cape Town, the Provincial Department of Human Settlements, the Housing Development Agency, and private companies. Invariably, conflicts arise as a result of their overlapping responsibilities, leading to disputes over resources, available land, and authority on project activities.

6.2.1 Joe slovo case study: Informal Settlement Fire and Eviction

On 15 January 2005, a fire in the Joe Slovo informal settlement, located adjacent to the N2 freeway on the buffer strip to the south and east of Langa, and adjacent the hostels area in Langa, rendered at least 12,000 people homeless. The fire was declared a provincial disaster, and the various government line functions aided with services. This was the first application of the Emergency Housing Programme.

Most of the displaced households secured their own accommodation with friends and relatives, but emergency shelter had to be provided for the remaining 2,500 people. This was in the form of **clustered communal tents** that became known as 'Tent City'.

The original plan for the redevelopment of Joe Slovo informal settlement had always included a **Temporary Relocation Area consisting of temporary houses and communal services**. After the fire, this process had to be hastened and expanded to accommodate the thousands of informal settlement dwellers rendered homeless. After a number of sites in Epping and Langa were rejected by surrounding communities, two sites, one in Langa and one in Delft, were eventually identified for the location of the TRAs.

The land in Delft for temporary relocation purposes was finally agreed upon. However, this land was earmarked for low-cost housing, with no possibility for *in situ* development. The land acquisition process was not fast-tracked, as the mechanism to do so was yet to be designed - the ability to collapse the EIA and the LFTEA (Less Formal Township Establishment Act) processes was only designed at provincial level in 2009. The TRAs in Delft and Langa consist of a large number of houses closely packed together in a grid pattern to allow for easy, yet minimal, service delivery. When the first households moved to Langa, there was no electricity, despite the fact that households who were moved first, were the most vulnerable. Electricity was eventually installed in the four TRA sites (Intersite, and TRA 1, 2 and 3).

Services such as communal standpipes and communal ablution blocks (toilets and showers) are provided in all TRAs. The TRAs are subject to the national standard for service provision, namely, one tap per 25 families within 100 meters. Nevertheless, services in the TRAs are in various states of disrepair.

The structures erected in the TRAs differ from typical RDP housing projects in that the houses are smaller (24m², as opposed to the minimum RDP house size of 30m²); there are no individual plots or individual title; and there is a lower level of services. However, the structures are often larger than the shacks where households previously lived.

A combination of materials was used for the Intersite TRA in Langa. Pre-cast concrete models, corrugated iron houses, and wooden panelled 'Wendy Houses' were used. In the Delft TRAs, a mix of different types of houses were provided, including Nu-Tec corrugated fibre cement houses and Wendy Houses which had been discontinued at the Langa Intersite TRA. Some of the Wendy Houses were provided with thermal insulation, but this was discontinued due to budget constraints. There was widespread dissatisfaction with the Nu-Tec fibre-enforced cement houses, also called 'asbestos homes', as they were perceived as a threat to respiratory health due to the lack of insulation and type of materials used. There is no clear consensus on what material was most effective, as issues with failed delivery on contracts and poor workmanship beleaguered the trial process.

TRA 5, the more recent TRA, utilised compressed 50mm flame resistant polystyrene bonded on both faces with one part polyurethane adhesive to galvanised sheets (Chromadek). A damp-proof course membrane was supplied for effective insulation, as well as fibre cement boards. Two large aluminium windows allow for improved cross-ventilation in the unit. Protective thresholds were added to reduce wear on flooring material. The floor heights have been increased aiding to reduce the risks of water ingress and flooding.

The development of minimum standards regarding structures, materials used, plot sizes, sanitation, water, safety and security, electricity, and social conditions relating to health and welfare, formed part of the Joe Slovo Constitutional Court case. This case set out the criteria for the relocation of evicted fire victims, and was the first document to state clearly how relocation should take place vis-à-vis planning procedures and community engagement.

The destruction of and strain on a range of social networks during the relocation process are incalculable in terms of monetary value. Undoubtedly, the fire stretched existing social networks beyond their capacity.

Almost 70% of the residents interviewed, reported that their relocation to Delft - an area characterised by low levels of social services, no accessible train stations, and low densities - was unsatisfactory and problematic. Government's choice of intervention that required the continual moving of people from site to site did not take into account the precarious networks that allow the poor to survive by means of informal markets and employment based on strong and intricate social networks. Many of the people relocated to Delft, were not able to survive financially the loss of income and employment, both formal and informal.

6.3 Johannesburg case study

Key lessons learned

Community engagement

The municipality needs a framework for emergency housing that stipulates how community participation should be undertaken. The framework should contain specific guidelines that offer suggestions for community participation and engagement, and interpretation of two important court cases, namely the *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street, Johannesburg v. City of Johannesburg and Others* and *Residents of Joe Slovo Community Western Cape v. Thubelisha Homes and Others* in the context of emergency.

Clarification of authority and role

The framework should clarify the authority and role of the City, i.e. implementation of emergency housing; the developmental role of the City; and who should make decisions regarding emergency housing. The framework must clearly set out how and when the City should respond to emergencies, based on context and resources. In addition to defining authority, it is necessary to clarify who is responsible, and how accountability can be achieved. This is applicable in the case of the provincial government providing funding, and when private property owners abuse the policy after years of neglect and shirking of responsibility.

Need for legal clarity

According to the municipality, judges have not been applying the same standards to all cases, and outcomes appear *ad hoc*. The City is therefore continually engaged in court battles. There is no precedent to address this issue at such scale, and the court's mandate must be feasible for the municipality to implement.

The need for a pro-poor approach

Addressing emergency housing appears to be carried out only when strictly mandated. There is a general reluctance on the side of government to find solutions to emergency housing situations, unless political and economic pressures are applied (such as instances where the court has mandated or the land is required for other uses). Additionally, land rehabilitation (to avoid relocation) is rarely considered; instead, transit camps of a semi-permanent nature are constructed.

6.3.1 Pikitup case study: Unsafe Location Emergency Housing Situation

The community of Marie Louise informal settlement, currently living next to the Pikitup site, sustain their livelihoods by sorting refuse from the Pikitup waste dumpsite. A few years ago, Pikitup informed the Marie Louise residents that the company would commence construction on the site, and that households would have to move temporarily. Most of the informal settlement dwellers were moved to the adjacent property. During this process, a large wall was built around the Pikitup property, falling between the informal settlement site and Pikitup. The Marie Louise informal settlement community expected to move back onto the site after completion of the 'construction', but were obstructed, and forced to remain on the adjacent land owned by Rand Leases.

The Rand Leases land adjacent to the Pikitup site was declared an emergency housing situation (Gauteng High Court, 2001), and considered unsuitable for housing by the municipality for a variety of reasons, including its location within the flood line; the close proximity to a landfill, mine dump, and water body; and the fact that the adjacent site produces material for road surfacing. As a result, the site cannot be developed for low income housing. A press release by the Social

and Economic Rights Institute (SERI) who represented the clients in the court case of *Rand Leases Properties v Occupiers of Vogelstruisfontein and Others*, states that 'the living conditions on the property are appalling, with no access to water and sanitation, and an imminent risk of flooding' (2011:1). For these reasons, interim upgrades were required until relocation was possible.

Rand Leases filed an eviction order, putting forward the above reasons why the community could not remain. While the eviction was the primary trigger for the use of emergency housing, proactive responses to the hazardous conditions of the site would also qualify as emergency housing criteria.

In the court judgement *Rand Leases Properties v. Occupiers of Vogelstruisfontein and Others*, the eviction of the occupiers was granted, and the City was mandated to install interim services on the site of eviction, and to find alternative land and accommodation within 18 months. This was not a case in which an immediate disaster response was required. The municipality is currently in the process of identifying a new site, and negotiations are on-going. In the short-term, the community continues to occupy the private land, and basic services have been provided, including water tanks and portable latrines. Even though the eviction order was granted, Rand Leases has agreed to allow the community to continue occupation of the land until October 2012. The City of Johannesburg consented to all conditions.

The proposed site for resettlement is located in proximity to the site currently inhabited, and adjacent to an unused rugby club. It is well-located along a major transportation route proposed for future Integrated Rapid Transit (IRT). This proposed location is already owned by the municipality, and is currently occupied by a small informal settlement. There is, however, still space on the site for households that need to be relocated.

Throughout the planning process, the City is experiencing high levels of objections and complaints from neighbours who state that they do not want more poor people relocated to the area. This area is historically considered upper-class, and therefore displays strong NIMBY tendencies. Furthermore, the surrounding community objected to the relocation process (although the land is owned by the municipality). Rand Leases objected to the proposed relocation as well, based on the premise that they own land adjacent to the relocation site, and fear decrease in property value.

Relocating the community to the relocation area will significantly impact their livelihoods, since their current activities depend on the Pikitup waste dump. New livelihood strategies will have to be considered, as collection and sorting of refuse will not be possible from the site of relocation. Support and alignment with other programmes are vital, especially local economic development programmes. The relatively good location of the relocation site with regard to new employment opportunities is likely to impact the relocation process less significantly.

PART 7

Glossary

- **Case study:** A case study is a method of research that allows for in-depth contextual analysis of an event, sequence of events, or conditions. Case studies are often used to provide insight on context specific processes and outcomes.
- **Community engagement:** Community engagement is a process by which community organisations and individuals engage in meaningful relationships with government and non-government actors to work toward collective outcomes that will benefit all parties.
- **Disaster:** A serious disruption of the functioning of a community or a society causing widespread human, material, economic, or environmental losses which exceed the ability of the affected community or society to cope using its own resources (UNISDR, in DMSLP, 2008).
- **Emergency Housing Programme:** The Emergency Housing Programme is a programme provided for in Part 3 Volume 4 of the National Housing Code. According the Housing Code “The main objective of this Programme is to provide temporary assistance in the form of secure access to land and/or basic municipal engineering services and/or shelter in a wide range of emergency situations of exceptional housing need through the allocation of grants to municipalities...”.
- **Eviction:** According to the PIE Act, eviction is a process or act of removing or preventing a person or community for occupying property or land.
- **Hazard:** A potentially damaging physical event, phenomenon or human activity that may cause injury or the loss of life, damage to property, social and economic disruption, or environmental degradation (UNISDR, in DMSLP, 2008).
- **Incremental Development Area (IDA):** This is an area where people are relocated permanently, and the site is developed incrementally.
- **In situ:** On-site assistance of development, no relocation or resettlement is required.
- **Livelihoods:** Refers to '(p)eople, their capabilities and their means of living, including food, income and assets. Tangible assets are resources and stores, and intangible assets are claims and access. A livelihood is environmentally sustainable when it maintains or enhances the local and global assets on which livelihoods depend, and has net beneficial effects on other livelihoods. A livelihood is socially sustainable when it can cope with and recover from stress and shocks, and provide for future generations' (DMSLP, 2008:164).
- **Relocation/resettlement:** Refers to the process of moving people from a location where they live or lived to a new physical location which may be temporary or permanent. Resettlement often refers to the process of permanent relocation.
- **UISP:** A national programme instituted in terms of Section 3(4) of the Housing Act, 1997, that deals with the rules for the *in situ* upgrading of informal settlements on the basis of a phased development approach. Grant funding to municipalities enables them to respond rapidly to informal settlement upgrading needs in relation to land, infrastructure services, and social facilities. The funding also allows for possible relocation and resettlement of households on a voluntary and cooperative basis should that be required as a result of the upgrading (National Department of Housing, 2004).
- **Temporary assistance:** Assistance provided to affected people in the form of transit camps, TRAs, IDAs, or materials, which may include starter kits for floods and fires. Additionally, it includes rebuilding programs for houses that are not formal dwellings.
- **Temporary Relocation Area (TRA):** This is a site where people are intended to be housed on a temporary basis. The structures are intended for reuse once the affected people are able to return to their reconstructed homes or enter into other formal housing programmes.

PART 8

Reference list

Anton Aiello Consulting, 2009. *Collected Prefeasibility Study of the Upgrading of the Informal Settlement at Jadhu Place*. Contracted by Project Preparation Trust for eThekweni Municipality.

Clover, J, 2007. *Framing Issues of Environmental Security in Angola and Mozambique – The Nexus of Land, Conflicts and Sustainable Livelihoods in Post-Conflict Situations*. Thesis submitted to the Faculty of Science, Wits

Department of Housing, 2005. *Work on N2 Housing Gateway Lead Project begins*.

Development Action Group, 2005. *Evaluation of the Response to the Joe Slovo Fire of 15 January 2005*. Draft report. Cape Town.

Development Action Group, 2007. *Living on the Edge: A Study of the Delft Temporary Relocation Area*. Cape Town.

National Disaster Risk Management, 2002. *Disaster Management Act 57 of 2002*. South Africa

eThekweni Municipality, 2008. *Emergency Housing Submission to the KZN Department of Human Settlements*. Durban.

Gauteng Provincial Department of Human Settlements, 2001. *Gauteng Housing Delivery, 2004-2009*.

National Department of Human Settlements, (2009). *Emergency Housing Programme, Part 3, Volume 4 of the National Housing Code*.

Gauteng High Court, 2011. *Rand Leases Properties v Occupiers of Vogelstruisfontein and Others* (2010) Case No. 2010/6182. Gauteng High Court: Court Order, 2011.

Tissington, K, 2010. *A Review of Housing Policy and Development in South Africa since 1994*. Paper presented at Towards an SER Matrix: Monitoring the Progressive Realisation of Socio-Economic Rights in South Africa, Studies in Poverty and Inequality Institute (SPII)

Tissington, K & Wilson, S, 2011. *Case Review: SCA upholds the rights of urban poor in Blue Moonlight judgment*. Published online www.seri-sa.org

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