

## GOVERNMENT NOTICE

### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.

2022

### PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995

#### REGULATIONS RELATING TO HOUSING ASSISTANCE TO VICTIMS

The President has, under section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), and after the procedures prescribed in sections 4(f)(i) and 27(1) and (2) of the said Act were complied with, made the Regulations in the Schedule.

#### SCHEDULE

#### CHAPTER I

#### APPLICATION OF REGULATIONS

##### Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and, unless the context indicates otherwise-

“**accounting officer**” means the officer appointed by the Minister under section 42(6) of the Act;

“**accredited service provider**” means a service provider accredited by a provincial department of human settlements or a municipality for the purposes of the construction, upgrading or repair of houses in terms of the Housing Act;

“**administrator**” means an official designated by the MEC for human settlements or the person in charge of a municipality who is responsible for dealing with requests for assistance in terms of these Regulations and matters related thereto;

“**application form**” means the form provided for in regulation 15(1);

**“applicant”** means a person who applies for housing assistance in terms of regulation 15;

**“approved listed beneficiary”** means a listed beneficiary whose application for housing assistance as referred to in regulation 16 has been approved by the administrator or, in the case of an application for reimbursement or a once-off housing grant, the dedicated official;

**“burnt house”** refers to a house of a victim that was burnt, partly or completely during the conflicts of the past;

**“construction”** refers to the building of a new house where the house of a victim was stolen, destroyed or damaged as referred to in regulation 6.

**“damaged house”** refers to any damage caused by the conflicts of the past to the house of a victim including, structural damage or damage to the roof, floor and walls;

**“days”** means calendar days;

**“dedicated official”** means an official of the Department of Justice designated by the Director-General of that Department to deal with applications for assistance in terms of these Regulations;

**“Department”** means the Government department responsible for human settlements at national level;

**“Department of Justice”** means the Department of Justice and Constitutional Development;

**“dependant and relative of a TRC victim”** means—

- (a) a parent of, or somebody who exercises or exercised parental responsibility over a victim;
- (b) a person married to a victim under any law, custom or belief;
- (c) a child of a victim or an adopted child of a victim; and
- (d) any person to whom a victim has or had a legal or customary duty to support;

**“deserving and urgent request”** means an application for housing assistance where the approved listed beneficiary –

- (a) is destitute; or
- (b) shares a house with other persons and that house is overcrowded;

**“Director-General”** means the Director-General of the Department;

**“Emergency Housing Assistance Programme”** is the housing programme referred to in Part 3 of Volume 4 of the National Housing Code;

**“Fund administrator”** means the officer designated by the Minister under section 42(5) of the Act, and, for purposes of regulation 21, any other officer referred to in section 42(5) of the Act;

**“Fund”** means the President’s Fund established under section 42(1) of the Act;

**“house”** includes a homestead on land allocated to the victim in terms of the customary or tribal land tenure system applicable at that time;

**“household”** means the members of a family who live together;

**“housing assistance”** means the assistance provided for in regulation 5, 6, 7, 8, 9 and 10;

**“listed beneficiary”** means a person whose name appears on the list compiled by the dedicated official in terms of regulation 23(1)(a) on the basis of applications for reparation and rehabilitation made by TRC victims or their relatives or dependents to the TRC in respect of housing assistance which were recommended by the TRC;

**“MEC”** means a member of the Executive Council of the province responsible for human settlements;

**“Minister of Justice”** means the cabinet member responsible for Justice;

**“Minister”** means the cabinet member responsible for human settlements at national level;

**“National Housing Code”** means the National Housing Code issued by the Department in terms of the Housing Act, 1997 (Act No. 107 of 1997);

**“national housing programmes”** means the national housing programmes developed by the Department in terms of the Housing Act;

**“NHBRC”** means the National Home Builders Registration Council established in terms of the Housing Consumers Protection Measures Act, 1998 (Act No. 95 Of 1998);

**“reimbursement”** refers to a once-off payment to an approved listed beneficiary to reimburse him or her for the actual expenses or a part thereof already incurred and paid—

- (a) for the repairs done in respect of a damaged house;
- (b) the replacement of a destroyed or stolen house; or

(c) for a house already upgraded;

“**repairs**” refers to the fixing or repairing of a damaged or burnt house, restoring it to the condition in which it was before it was damaged or burnt as a result of the conflicts of the past;

“**stolen house**” refers to a house from which the victim was forcibly removed because of the conflicts of the past;

“**the Act**” means the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995);

“**the Housing Act**” means the National Housing Act, 1997 (Act No. 107 of 1997);

“**the TRC**” means the Truth and Reconciliation Commission as defined in the Promotion of National Unity and reconciliation Act, 1995 (Act No. 34 of 1995);

“**upgrading**” refers to aligning the house of an approved listed beneficiary in accordance with the specifications for the construction of a new house as referred to in regulation 14; and

“**victim**” means a person who was declared as such by the Truth and Reconciliation Commission established in terms of the Act.

### **Authority responsible for application of Regulations**

2. (1) Subject to sub-regulation (2), the Director-General is responsible for the application of the Regulations.

(2) The Director-General of the Department of Justice is responsible for the carrying out the duties or performing of the functions of the dedicated official and fund administrator as set out in the Regulations.

### **Guiding principles**

3. The following principles are applicable:

(a) Housing assistance in terms of these Regulations may only be provided per incident per household of an approved listed beneficiary and therefore only one intervention may be provided to the approved listed beneficiary or per family of an approved listed beneficiary to avoid multiple benefits for a single incident.

- (b) The forms of assistance are only available to the approved listed beneficiaries. It is not all TRC identified victims that will benefit from the reparation but only victims who had a housing related incident or who were assessed by the TRC and recommended for housing assistance.
- (c) The Regulations must, to the extent necessary, be implemented in terms of a memorandum of understanding and service level agreements signed between the Department of Justice, the Department and the provincial housing departments, respectively.
- (d) The National Housing Code, 2009; or any other similar documents approved by the Minister, which set out the underlying policy principles, guidelines and norms and standards which apply to Government's various housing assistance programmes introduced and updated since 1994, will apply to the extent that they are not in conflict with the Regulations.
- (e) The houses to be constructed must comply with the requirements as stipulated in the National Building Regulations and the houses must be registered with the NHBRC.

## **CHAPTER II**

### **BENEFICIARIES, FORMS OF HOUSING ASSISTANCE AND REQUIREMENTS**

#### **Beneficiaries**

4. (1) The beneficiaries of the housing assistance provided for in these Regulations, are as follows —

- (a) An approved listed beneficiary; or
- (b) if the approved listed beneficiary is deceased, the following persons, in the following order of preference:
  - (i) the spouses(s) of an approved listed beneficiary;
  - (ii) the children of an approved listed beneficiary, if the approved listed beneficiary is not survived by a spouse;
  - (iii) the parents of an approved listed beneficiary, if the approved listed beneficiary is not survived by a child; or

- (iv) other blood relations of an approved listed beneficiary who are related to the beneficiary in the nearest degree, if the approved listed beneficiary is not survived by a parent.

(2) Where the approved listed beneficiary is deceased and survived by more than one spouse, child, parent or relative, as the case may be, the once off housing grant and the reimbursement amount will be divided equally and be paid to these beneficiaries.

### **Reimbursement**

5. (1) Reimbursement is in terms of these Regulations allowed–

- (a) for repairs done to a damaged house;
- (b) if a destroyed or stolen house has already been replaced; or
- (c) if a house has already been upgraded.

(2) Reimbursement as a form of assistance is available irrespective of whether or not the house which has been repaired, replaced or upgraded has been provided in terms of the National Housing Programmes.

(3) Reimbursement is limited to–

- (a) the actual cost or a part of the repairs of a damaged house or upgrading of a house or a part thereof; or
- (b) the replacement of a destroyed or stolen house in accordance with the specifications provided for in regulation 13.

(4) Listed beneficiaries must provide proof, to the satisfaction of the Fund administrator, of the repairs, upgrading or replacement referred to in subregulation (1) and of the costs involved, in any manner, including by means of a sworn affidavit.

### **Construction of a new house**

6. (1) Where an approved listed beneficiary has no land, a new house may be constructed on any land provided by the municipality or provincial department of human settlements and financed in terms of the Human Settlements Development Grant in accordance with the Department's directions.

(2) A new house may be constructed on any land whether or not the land falls within a housing project, provided that the price of that land

may not exceed the amount determined in respect of the Human Settlements Development Grant, unless, the approved listed beneficiary undertakes to pay the difference.

(3) A new house may be built on a site of which an approved listed beneficiary is the registered owner.

(4) A new house to be constructed must be built in line with the approved specifications referred to in regulation 13.

(5) The construction of the new house may not exceed the amount determined, from time to time, for this purpose by the Minister responsible for human settlements.

### **Repairing of a damaged or burnt house**

7. (1) Assistance with repair of a damaged or burnt house is available irrespective of whether or not the house which has to be repaired has been provided in terms of the National Housing Programmes.

(2) If a house to be repaired is so dilapidated that the repairs will cost more than the construction of a new house, a new house may be constructed on the same or on a different site in line with regulation 13.

(3) An approved listed beneficiary who does not wish to have a new house constructed for him or her, under the circumstances referred to in subregulation (2), may be paid a once-off housing grant to the value equal to a house in line with the specifications referred to the regulation 13.

(4) The amount payable for the repairs of a damaged or burnt house may not exceed the amount determined, from time to time, for this purpose by the Minister.

(5) The house to be repaired must be professionally assessed by the NHBRC as advised by the Department in accordance with regulation 23(2).

(6) The Department of Justice must, for purposes of subregulation (5), engage the Department to determine and agree on the employment of a construction company, assisted by the NHBRC, for purposes of the assessment of the house.

### **Upgrading of an existing house**

**8.** (1) Assistance to upgrade an existing house is available irrespective of whether or not the house which is to be upgraded has been provided in terms of the National Housing Programmes.

(2) The house to be upgraded must be professionally assessed by NHBRC as advised by the Department.

(3) If the house to be upgraded is so dilapidated that the upgrading is not practical or will cost more than the construction of a new house, the once-off housing grant, referred to in regulation 9 may be paid to the approved listed beneficiary.

(4) The amount payable for the upgrading of an existing house is determined, from time to time, for this purpose by the Minister responsible for human settlements.

(5) A house of an approved listed beneficiary in respect of which he or she has already done some upgrading, may be further upgraded in line with the specifications referred to in regulation 13 but the further upgrade may not exceed the amount determined, from time to time, for this purpose by the Minister responsible for human settlements.

### **Once-off housing grant**

**9.** (1) A once-off housing grant assistance may be granted under the following circumstances:

(a) If the house to be upgraded is so dilapidated that the upgrading is not practical or will cost more than the construction of a new house, a once-off housing grant, to the value equal to a house in line with the specifications referred to the regulation 13, may be paid to the approved listed beneficiary.

(b) If the house to be repaired is so dilapidated that the repairs will cost more than the construction of a new house, a once-off housing grant, to the value equal to a house in line with the specifications referred to the regulation 13, may be paid to the approved listed beneficiary.

### **Temporary accommodation**

**10.** (1) Assistance with temporary accommodation is provided in circumstances where renovations or repairs to the house of the approved

listed beneficiary cannot be conducted while an approved listed beneficiary is living in the house.

(2) This form of assistance will be provided through temporary accommodation or emergency housing assistance as determined by the Department.

(3) The nature of the temporary accommodation to be provided and the period for which it may be provided must be in line with the approved temporary assistance norms and standards of the Department or at least an amount not exceeding the prescribed subsidy for the Emergency Housing Assistance Programme.

(4) The housing assistance provided for in terms of this Chapter is limited to the amounts determined, from time to time, by the Director-General in terms of regulation 21 for the renovation of houses as contemplated in the Emergency Housing Assistance Programme.

### **General criteria to qualify for housing assistance**

11. (1) Subject to subregulation (2), the criteria in respect of housing subsidy in terms of the National Housing Code applied by the Department will also apply to an approved listed beneficiary in terms of the Regulations.

(2) An approved listed beneficiary may qualify for housing assistance even if—

- (a) he or she is not married or habitually cohabiting;
- (b) he or she is a single person and does not have any financial dependants;
- (c) he or she has owned a fixed residential property, if that property was destroyed or stolen as a result of conflicts of the past;
- (d) he or she has prior to May 1994 benefited from any government's housing assistance, if that property was destroyed as a result of conflicts of the past; and
- (e) irrespective of the income of the approved listed beneficiary.

### **Conditions of assistance**

**12.** The following conditions will apply in respect of any form of assistance provided for in these Regulations:

- (a) In all instances where repairs or upgrading are done or a new house is constructed, the accredited service providers must ensure compliance with the building standards imposed by the NHBRC.
- (b) The repairs, upgrading or the building of a new house must comply with the Norms and Standards adopted by the Department as amended from time to time.
- (c) A new house may only be constructed for an approved listed beneficiary if–
  - (i) The construction of a new house was recommended by the TRC or if the beneficiary does not have a house; or
  - (ii) if the current stand, on which the house of an approved listed beneficiary is built, cannot be repaired or upgraded because the stand is in the opinion of the Department unsuitable, the local municipality must provide a stand on which a new house must be constructed.
- (d) The stand on which the new house must be constructed must be offered at the amount of the purchase price at that time as financed in terms of the Human Settlement Development Grant.
- (e) In the case where a damaged or burnt house must be repaired or a house be upgraded, three quotations must be obtained by an approved listed beneficiary from accredited service providers registered with the NHBRC in accordance with regulation 23(2)(j).
- (f) The lowest quote will be accepted and the onus is on the approved listed beneficiary to choose a reputable accredited service provider and the amount of the lowest quote may be paid by the Fund administrator to the approved listed beneficiary.
- (h) There will be no further housing assistance provided to an approved listed beneficiary after the payment has been made in terms of regulation 18.
- (i) The Department and the Department of Justice, supported by a competent person or the NHBRC, must determine whether a house is suitable for human occupation in accordance with the Building

Regulations Standards and advise the Minister responsible for human settlements.

### **Specifications for construction of houses**

**13.** The following specifications for the construction of a house in terms of the Regulations apply:

- (a) The house must comprise 50m<sup>2</sup> of gross floor area with two separate bedrooms, a toilet/bathroom and a combined kitchen/living area;
- (b) the whole house must be fitted with ceilings and insulation above the ceilings to ensure compliance with the SANS 10400XA prescripts;
- (c) ceramic floor tiles throughout the house;
- (d) all internal walls must be plastered and cement rendering on all external walls;
- (e) kitchen cupboards must be fitted with an electric twin hob stove for cooking purposes;
- (f) a solar hot water device provided and fitted and hot and cold water supply installed in the whole house;
- (g) each house must receive a basic electricity installation comprising at least one light in each room, two lights in the combined kitchen/living area and an electrical plug in each of the bedrooms and two plugs in the combined kitchen/living area;
- (h) a single carport with paving; and
- (i) a perimeter fence for each property.

### **Specification for a house of a person with disabilities**

**14.** (1) In the case of an approved listed beneficiary with a disability, he or she must receive the same facilities as stipulated in the approved norms and standards determined by the Department in terms of the relevant prescripts.

(2) A house that needs to be constructed for an approved listed beneficiary with a disability will have to be professionally assessed as indicated in the Regulations in order to determine the exact needs required, which may vary, based on the degree and nature of the disability of the approved listed beneficiary.

(3) Where the needs of an approved listed beneficiary with a particular disability exceed the amount determined for this purpose by the Minister responsible for human settlements, the amount to be made available must be adjusted accordingly.

(4) The house to be constructed must be built in a manner that complies with the latest prescripts and policies of the Department.

### **CHAPTER III APPLICATIONS AND PROCESSING OF REQUESTS FOR HOUSING ASSISTANCE**

#### **Application for housing assistance**

**15.** (1) An approved listed beneficiary who needs housing assistance in terms of the Regulations must complete Form 1 of the Annexure to the Regulations and attach the documents required in that Form.

(2) The completed form and the attachments thereto must be submitted to the dedicated official in the manner indicated on the application form.

(3) (a) An application for assistance for the repair or upgrading of a house must be submitted to the dedicated official not later than the date determined by the Director-General of the Department of Justice.

(b) The cut-off date to be determined by the Director-General of the Department of Justice by notice in the *gazette* for the submission of applications referred to in paragraph (a) must at least provide for a period of 12 months after the date of commencement of the Regulations.

(4) The application form must be available at the offices of the administrator and the dedicated official and on the websites of the Department and the Department of Justice.

(5) The dedicated official must assist an approved listed beneficiary who wants to apply for housing assistance in completing the form and ensure that all the required documents are attached.

#### **Processing of application for assistance to acquire housing**

**16.** (1) The dedicated official must, after receipt of an application form-

- (a) verify whether the applicant is a listed beneficiary, and
- (b) verify whether the applicant qualifies for the housing assistance applied for.

(2) The dedicated official may, in order to verify the information referred to in subregulation (1), require the applicant to provide additional information or documentation reasonable necessary to do the verification.

(3) (a) The dedicated official must, if he or she finds that the applicant is a listed beneficiary and qualifies for the assistance applied for

—

- (i) complete a certificate that correspond substantially with Form 2 contained in the Annexure;
- (ii) keep a copy of the certificate; and
- (iii) record the reasons for the finding.

(b) The dedicated official must, if he or she intends making a finding that the applicant is not a listed beneficiary or does not qualify for the form of assistance applied for, follow the procedure provided for in subregulation (8).

(4) The dedicated official must upon the finding referred to in subregulation (3)(a), submit the application for assistance, the attachments thereto and the certificate referred to in subregulation 3(a)(i) to the administrator and inform the applicant in writing thereof.

(5) The administrator must on receipt of the application, process the application as indicated in the Regulations.

(6) (a) The administrator must, if he or she intends making a finding that the assistance applied for does not comply with the criteria provided for in the Regulations (3)(b), follow the procedure provided for in subregulation (8).

(b) The administrator must, if he or she finds that the applicant complies with the criteria:

- (i) inform the dedicated official in writing of the finding; and
- (ii) inform the applicant in writing of the finding.

(7) The administrator must, if a finding has been made that the applicant complies with the criteria, proceed as indicated in the Regulations.

(8) The dedicated official or administrator, as the case may be, must upon making a finding referred to in subregulation (3)(b) or (6)(a)–

- (a) record the reasons for the intended finding in writing; and
- (b) inform the applicant orally, if his or her contact particulars are available, and in writing–
  - (i) of the intended finding; and
  - (ii) invite the applicant to submit, within 30 days after receipt of the notice, to the administrator or the dedicated official, as the case may be, in writing reasons why the intended finding should not be made final.

(9) (a) The dedicated official or the administrator, as the case may be, must after the expiry of the date for the submission by the applicant of the reasons provided for in subregulation (8)(b)(ii), make a finding.

(b) The dedicated official or the administrator, as the case may be, must in writing inform the applicant of the finding, the reasons for the finding and of the other forms of assistance, if any, available to him or her in terms of the Regulations.

(c) An applicant who has been informed as envisaged in subregulation (9)(b), must submit to the dedicated official within 30 days after having received the notice in terms of that subregulation, complete a new application form.

(d) An applicant who is aggrieved by a finding of the dedicated official or the administrator may lodge representations as provided for in regulation 27 of the Regulations.

### **Processing of application for construction of new house**

17. (1) An applicant who wishes to have a new house constructed must complete the Form 1 of the Annexure.

(2) An application referred to in subregulation (1) must be dealt with, in accordance with the procedures set out in regulation 16 with the necessary changes, where required.

### **Application for reimbursement and payment for once-off grant**

**18.** (1) A person who wishes to apply for reimbursement as provided for in regulation 5 or for the payment of a once off grant as provided for in regulation 9, must complete Form 2 of the Annexure.

(2) The application must be submitted to the dedicated official in the manner indicated in the application form.

(3) The dedicated official must, in accordance with the requirements set out in the Regulations determine whether the applicant qualifies for the assistance applied for.

(4) The dedicated official must, if he or she intends to make a finding that the applicant does not qualify for the assistance applied for, inform the applicant in writing of the intention and the reasons thereto.

(5) The applicant may submit within 30 days after having been notified of the intended finding, representations to the dedicated official.

(6) After receipt of the representations of the applicant, the dedicated official must make a finding and inform the applicant of the finding in writing and of the reasons for the finding.

(7) The reasons for the finding must be recorded and kept by the dedicated official.

(8) The dedicated official may approach the applicant for further information or the Department for any information or advice in order to make a finding in respect of the application.

### **Processing of deserving and urgent request for housing assistance**

**19.** (1) (a) An approved listed beneficiary who applied for housing assistance and who is of the view that the application is deserving and urgent, must complete Form 3 of the Annexure and attach it to the application.

(b) A person referred to in subregulation (1)(a) must also indicate in his or her application whether he or she requires temporary accommodation.

(c) The application form must be submitted to the dedicated official in the manner indicated in the application.

(2) The dedicated official must after receipt of the application, verify the matters provided for in Regulation 10(1) and the additional matters provided for in subregulation (3).

(3) (a) The dedicated official may, in order to verify the information referred to in subregulations (1) and (2), require the applicant to provide additional information or documentation and the administrator for information or advice in order to make a finding about the application.

(4) (a) The dedicated official must, if he or she finds that the applicant is a deserving case, complete a certificate corresponding substantially with Form 2 contained in the Annexure and make a recommendation regarding the need for housing or temporary accommodation for the applicant in conjunction with the Department.

(b) The dedicated official must, if he or she intends making a finding that –

(i) the applicant is not a deserving case; or the

(ii) the application is not urgent,

follow the procedures provided for in subregulation (7).

(5) The dedicated official must upon the finding referred to in subregulation (4)(a), submit the application, attachments thereto and the certificate referred to in the said subregulation to the administrator to deal with and inform the applicant in writing thereof.

(6) The administrator must, on receipt of the application, process the application in accordance with the criteria set out in these Regulations.

(7) The dedicated official or the administrator, as the case may be, must upon making a finding in terms of this regulation–

(a) record the reasons for the intended finding in writing;

and

(b) inform the applicant orally, if his or her contact particulars are available, and in writing—

- (i) of the intended finding; and
- (ii) invite the applicant to submit, within 30 days after receipt of the notice, to the dedicated official or administrator in writing reasons why the intended finding should not be made final.

(8) (a) The dedicated official or the administrator, as the case may be, must as soon as possible make a finding and inform in writing the applicant of the reasons for the finding.

(b) An applicant who is aggrieved by a finding of the dedicated official or fund administrator or the administrator may lodge representations as provided for in regulation 27 of the Regulations.

### **Preferential treatment of applicants for new housing assistance**

**20.** (1) (a) The provincial department or municipality which has approved an application for the construction of a new house must,—

- (i) in the case where the house forms part of a project based development, arrange for an additional house to be built as part of the project or re-negotiate, subject to subregulation (1)(b), the re-allocation of the houses in the project; or
- (ii) in the case where the house does not form part of a project based development, take the steps necessary to expedite the provisioning of a house to the approved listed beneficiary.

(b) The provincial department or municipality concerned may not renegotiate the re-allocation of houses to the detriment of any member of the public to whom a house was allocated and who is a deserving or urgent case, provided that where the approved listed beneficiary is also a deserving or urgent case, the provincial department or municipality must determine which case is most deserving having regard to the following factors:

- (i) Is the person destitute;
- (ii) the age of the applicant;
- (iii) the health condition of the applicant;
- (iv) the number of dependants of the applicant and their ages; and

(v) whether or not the applicant previously owned a house which was destroyed during the conflicts of the past.

(c) The provincial department or municipality which has approved an application for assistance must, if it is not possible to arrange for an additional house in the project or to negotiate the re-allocation of the approved listed beneficiary, be prioritised when the new project has commenced or must be assisted in any other manner.

(d) An application from an approved listed beneficiary which is a deserving and urgent case must, if the house is to form part of a project based development, receive priority over an application for housing assistance by an approved listed beneficiary.

### **Funding arrangements**

**21.** (1) The Accounting Officer of the President's Fund must determine the amount available in the Fund to pay the expenses for which the Fund is responsible in terms of the Regulations.

(2) The once off grant and reimbursements as indicated in these Regulations must be paid from the President's Fund to the approved listed beneficiary.

(3) The Fund administrator must pay from the Fund to the Department an advance for the top-up amount referred to in regulation 23(1)(f) when the construction of the house is ready to start.

(4) The Fund administrator must pay from the Fund to the approved listed beneficiary the lowest quotation accepted in terms of regulation 12 for purposes of repairs and upgrading of the house in question.

(5) The Department is responsible for the payment of temporary accommodation for the approved listed beneficiary.

### **Authorisation of transfer of funds**

**22.** (1) The Fund Administrator must—

- (a) retain proof of any payment made from the Fund in terms of the Regulations; and
- (b) in writing, provide the Department or the approved listed beneficiary with the proof of payment, as the case may be.

### **Roles and Responsibilities**

**23. (1)** The responsibilities of the Department of Justice are the following—

- (a) provide the Department with a list of the approved listed beneficiaries;
- (b) manage the receipt and processing of applications for housing assistance to the extent indicated in the Regulations;
- (c) The Fund Administrator must ensure that payments in respect of expenses to be defrayed from the Fund are made to the persons or institutions as indicated in these Regulations;
- (d) negotiate terms and conditions of the Memorandum of Understanding with the Department;
- (e) facilitate payment of the following expenses from the Fund:
  - (i) Reimbursement of the beneficiary for repairs done to a damaged house; or
  - (ii) the top up amount of the upgrading of a house or the replacement of a destroyed or stolen house;
- (f) in respect of the construction of a new house, pay a top up amount to the Department, taking into account the costs to construct a house as provided for in regulation 13 as opposed to the cost to construct a house for a member of the public under the National Housing Code;
- (g) identify the approved listed beneficiaries who need assistance through temporary shelter in consultation with the Department;
- (h) monitor and report progress in relation to repairs and upgrading of houses by means of information requested from the approved listed beneficiary whose house is being repaired or upgraded and the Provincial Department involved;
- (i) with the advice of the Department, must contract the NHBRC to assist with the repairs and upgrading of houses; and
- (j) provide systems for the recording and reporting of information.

(2) The responsibilities of the National Department of Human settlements are to —

- (a) update and maintain policy including the applicable norms and standards;
- (b) allocate the suitable amount of funding from the housing grant;
- (c) receive business plans from Provinces;
- (d) transfer Grant funding to Provinces and Municipalities;
- (e) monitor and evaluate the programme;
- (f) provide systems of recording and reporting information;
- (g) process the applications as indicated in the Regulations;
- (h) the administrator must keep records of all building information;
- (i) advise the Department of Justice in relation to the contract to be concluded with the NHBRC;
- (j) provide the approved listed beneficiary with a list of accredited service providers registered with the NHBRC; and
- (k) provide assistance, to the extent indicated in the Regulations, to the Department of Justice for purposes of the assessments to be done in terms of the regulations.

(3) The responsibilities of the provincial departments of human settlements are to—

- (a) Monitor and report progress in relation to the construction of permanent and temporary houses, repairs to or upgrading of houses;
- (b) check compliance with the appropriate planning requirements and building regulations and standards;
- (c) ensure that contractors build new houses as provided for in the approved specifications;
- (d) receive the applicable and suitable grants, where applicable, to be able to bear applicable expenses relating to the construction of new permanent and temporary housing units and infrastructure subject to the maximum amount that applies in terms of the National Housing Code;
- (e) manage the processing of all applications for housing assistance;
- (f) update suitable information in the relevant systems;
- (g) engage and sign the service level agreements after discussing and agreeing to the terms and conditions of the Programme; and

(h) develop standard operating procedures to enable implementation of the Programme.

(4) Local government is responsible for the following:

- (a) Provision of basic services to houses being repaired or upgraded, where applicable;
- (b) provision of engineering services, related bulk, link and connector infrastructure and socio-economic amenities;
- (c) identification of land suitable for the construction of houses and if unable, the provincial department must assist; and
- (d) provision of temporary Municipal Engineering Services through Emergency Housing Assistance Programme of the Department if temporary shelters are provided.

### **Reporting and monitoring systems**

**24.** The Department of Justice must develop a system to capture the upgrading and repair of damaged houses and report on progress payment milestones.

### **Implementation arrangements**

**25.** (1) Detailed planning and costing systems between Provinces and the Department of Justice must be established.

(2) Any aspect not dealt with in the Regulations may be included in the memorandum of understanding to be concluded and signed by the Minister of Justice and the Minister.

(3) The service level agreements with relevant local and provincial government department may set out further necessary detail not provided for in the Regulations.

(4) Further details about payment processes will be dealt with in the memorandum of understanding or service level agreements referred to in regulation 3.

## CHAPTER IV GENERAL PROVISIONS

### Keeping of records

- 26.** (1) The dedicated official must keep proper record of—
- (a) the applications for housing assistance received;
  - (b) other information received in connection with the applications for housing assistance;
  - (c) documents received in support of the applications for housing assistance; (d) the findings made in respect of every application received; and
  - (e) the nature of assistance rendered and the particulars in respect of the occupation of a house.

(2) The Administrator must compile a register containing the following particulars in respect of every application for housing assistance processed:

- (a) The name of the applicant;
- (b) the nature of assistance required;
- (c) the name of the approved listed beneficiary for whom housing assistance is requested;
- (d) the findings made in respect of the application; and
- (e) the nature of assistance rendered and the particulars in respect of the occupation of a house.

(3) The Fund Administrator must keep records of any payment made and to who the payment was and for what purposes.

(4) The dedicated official, the Administrator and the Fund Administrator must update the records referred to in this regulation regularly.

### Representations by aggrieved persons

**27.** (1) (a) An applicant who is aggrieved by the findings of a dedicated official or the Fund Administrator may make representations to the Accounting Officer.

(b) An applicant who is aggrieved by the findings of the administrator may make representations to the relevant reviewing authority in the Department or the municipality concerned.

(2) The representations referred to in subregulation (1)—

- (a) may be made at any time but not later than 30 days after receipt of the notification of the findings of the dedicated official, the Fund Administrator or the Administrator in terms of these regulations;
- (b) must be in writing;
- (c) must indicate the reasons why the person is aggrieved; and
- (d) must, where possible, be accompanied by documents as proof for the reasons why the person is aggrieved.

(3) The representations must be submitted to the Accounting Officer or the relevant authority in one of the following ways:

- (a) By registered post;
- (b) by handing it personally to the office of the Accounting Officer or the relevant authority; or
- (c) by facsimile transmission or e-mail in which case proof of the transmission must be retained and the original thereof must be submitted by registered post.

### **Processing of representations**

**28.** (1) (a) The dedicated official or the Fund Administrator must, immediately upon notification by the Accounting Officer of the representations received as provided for in regulation 27, submit to the Accounting Officer the documents in his or her possession relevant to the findings, together with his or her reasons for the decision.

(b) The Administrator must, immediately upon notification by the relevant authority of the representations received as provided for in regulation 27, submit to the relevant authority the documents in his or her possession relevant to the findings, together with his or her reasons for the decision.

(2) The Accounting Officer or the relevant authority may, in order to make a finding regarding the representations, make any enquiries he or she deems fit to make a finding in terms of the Regulation.

(3) The Accounting Officer or the relevant authority must, as soon as circumstances permit, make a finding in regard to the representations and inform the aggrieved person who made the representations orally, if the contact particulars of the requester are available, and in writing of his or her finding.

(4) The Accounting Officer or the relevant authority must inform the requestor of the remedies available to him or her in terms of the Promotion of Access to Information Act, 2000 (Act No. 3 of 2000).

### **Application and period of application**

**29.** (1) These Regulations shall apply for a period of five years from the date of commencement thereof.

(2) Despite the expiry of these Regulations, the dedicated official or the administrator must, in respect of an application request which was received by the Administrator before the date of expiry of these Regulations, apply the Regulations as if the Regulations have not expired, provided that an application for assistance is in respect of the year in which these Regulations expire and funds are available.

### **Short title**

**30.** These Regulations are called the Regulations Relating to Housing Assistance to Victims, 2022.

## ANNEXURE 1

FORM 1  
[Regulation 15]

## APPLICATION FOR HOUSING ASSISTANCE

PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT 34 OF 1995)

**READ THIS FIRST****Only a person who–**

(a) has been identified as a listed beneficiary by the Truth and Reconciliation Commission (TRC) because they have suffered emotionally, physically or mentally or, their human rights have been grossly violated as a result of the conflicts of the past; **or**  
(b) is a dependant of a victim, and wish to apply for housing assistance, may receive assistance.

**Certified copies of all required documents** confirming the information given in this form, for example, identity book and proof of income, etc. must be attached to this application form, otherwise your application will not be considered.

A. PARTICULARS of APPLICANT			
1. Title:	(Mr, Miss, Mrs, Dr)		
2. Surname:			
3. First Names:			
4. ID number:		5. Date of birth:	
6. Gender:	Male / Female		
7. Contact details:	Home address / Home address of other person (if applicable): <i>(State below the address where you live and to which mail may be sent. If you do not have an address, state the address of another person who can be contacted, e.g. place of worship, school, community leader, etc.)</i>		
	Postal address / Postal address of other person (if applicable):		
Telephone Numbers:	Home: ( )	Work: ( )	
Email address:	Cell no:		

8. (a) Are you completing this form as a dependant of a victim?

**YES/NO**

(b) If you are completing this form as a dependant of a victim, also complete parts B.1 and B.2 below.

9. If you are applying for assistance, complete the following:

(a) Are you a victim?

**YES/NO**

(b) If you are not a victim -

(i) what is the name of the victim?

.....

(ii) are you a relative or dependant of a victim?

**YES/NO**

(b) If you are a relative or dependant of a victim, what is your relationship with the victim: .....  
(for e.g.: are you the spouse, child, grandchild or sibling of a victim)

10. Are you a South African Social Security Agency recipient?

**YES / NO**

11. (a) If you are applying for assistance, do you have any disability?:

**YES/NO**

(b) If yes, give details of the disability:

.....  
.....  
.....  
.....

.....  
Signature

Date: .....

**B. 1 PARTICULARS OF THE LISTED BENEFICIARY**

**Complete this part only if you are applying for assistance as a listed beneficiary or dependant of a victim. Indicate here the particulars of the listed beneficiary.**

1. Title: (Mr, Miss)

2. Surname:

3. First Names:

4. ID number:

5. Date of birth:

6. Gender: Male / Female

7. Contact details: Home address / Home address of other person (if applicable):

*(State below the address of the listed victim who needs assistance live and to which mail may be sent. If he or she does not have an address, state the address of another person who can be contacted, e.g. place of worship, school, community leader, etc.)*

Postal address / Postal address of other person (if applicable):

Telephone Home: ( )  
Numbers: Cell no: ( )

Work: ( )

Email address:

8. Is the applicant who needs assistance:

(a) A listed beneficiary?

**YES/NO**

(b) If he or she is not a listed beneficiary -

(i) what is the name of the listed beneficiary?

.....  
(iii) is he or she a relative or dependant of a listed beneficiary?

**YES/NO**

(c) If he or she is a relative or dependant of a listed beneficiary, what is his or her relationship with the listed beneficiary:

.....  
.....

(for eg: are you the spouse, child, grandchild or sibling of a listed beneficiary)

9. Is the listed beneficiary who needs assistance a South African Social Security

Agency recipient?

**YES / NO**

10. (a) Does the listed beneficiary have any disability?

**YES / NO**

(b) If yes, give details of the disability:

.....  
.....  
.....  
.....

**11. Details of the incident that led to the destruction /damage/loss of the house/homestead:**

(a) Where was the house/homestead situated (provide physical address if available): .....

(b) Provide the type of the house /homestead:.....

(c) Did the listed beneficiary own the house or was the house allocated to the listed beneficiary? **OWN/ALLOCATED**

**(attach proof such as the Deed of grant, Permission to Occupy, if available)**

(d) Describe how was the house was damaged/destroyed/burnt/lost:

.....  
.....  
.....  
.....  
.....

(e) Date the house was damaged/destroyed/burnt/lost:

.....

(f) Lists the persons who were living in the house at that time and their relationship to the listed beneficiary :

.....  
.....  
.....  
.....

Signature.....

Date.....

**B.2 FORMS OF ASSISTANCE APPLIED FOR**

The forms of assistance include: reimbursement, construction of a new house, repairing of a damaged or burnt house, upgrading of an existing house, once-off housing grant, and temporary accommodation.

**FORMS OF ASSISTANCE**

1. Tick the appropriate box

1.	Reimbursement	
2.	Construction of a new house	
3.	Repairing of a damaged or burnt house	
4.	Upgrading of an existing house	
5.	Once-off housing grant	
6.	Temporary accommodation	

**\* (Attach proof or sworn affidavit of costs for repairs done to a damaged or burnt house, upgrading of an existing house or replacement of a destroyed stolen house.)**

2. Banking details of the applicant or listed beneficiary in whose bank account the money is to be paid:

Name of Account holder:

.....

Name of bank:.....

Branch code:.....

Account number:.....

*(Bank in question must affix its stamp here to confirm the banking details of the applicant or listed beneficiary)*

**B. 3 PARTICULARS OF INCOME OF MEMBERS OF HOUSEHOLD**

**Note:**

- (i) For the purposes of this paragraph, a household means members of a family who live together.
- (ii) If the space provided on this page is not enough, complete particulars on a separate page/s and attach additional page/s to this form.

Particulars of income of member(s) of household:  
*(Indicate whether it is a pension, salary, commission or seasonal and if it is seasonal, give details thereof.*

<p>Member 1:</p>	<p>Full names and Surname: .....</p> <p>.....</p> <p>ID no. ....</p> <p>.....</p> <p>Gross annual income: .....</p> <p>.....</p> <p>Nature of the income: .....</p> <p>.....</p> <p>If you are not the listed beneficiary, state relationship with listed beneficiary: .....</p> <p>.....</p>
<p>Member 2:</p>	<p>Full names and Surname: .....</p> <p>.....</p> <p>ID no. ....</p> <p>.....</p> <p>Gross annual income: .....</p> <p>.....</p> <p>Nature of the income: .....</p> <p>.....</p> <p>If you are not the listed beneficiary, state relationship with listed beneficiary: .....</p> <p>.....</p>
<p>Member 3:</p>	<p>Full names and Surname: .....</p> <p>.....</p> <p>ID no. ....</p> <p>.....</p> <p>Gross annual income: .....</p> <p>.....</p> <p>Nature of the income: .....</p> <p>.....</p> <p>If you are not the listed beneficiary, state relationship with listed beneficiary: .....</p> <p>.....</p>
<p>Member 4:</p>	<p>Full names and Surname: .....</p> <p>.....</p> <p>ID no. ....</p> <p>.....</p> <p>Gross annual income: .....</p> <p>.....</p> <p>Nature of the income: .....</p> <p>.....</p> <p>If you are not the .....</p>

	listed beneficiary, ..... state relationship with listed beneficiary:
--	---

**C. PARTICULARS FOR DESERVING AND URGENT ASSISTANCE (Regulation 19)**

**I. Assistance in respect of deserving and urgent accommodation:**  
 If assistance is needed in respect of **temporary accommodation**, complete the following:

1. Are you employed? **YES / NO**
  
2. How many persons reside in the household ?
  
3. Briefly describe the circumstances under which you require temporary accommodation:

.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

**D. CERTIFICATION**

I,  
 .....  
 ....., hereby certify that the information which I have provided above is correct and to the best of my knowledge true. I hereby give permission to the Department of Justice and Constitutional Development to verify the correctness of any of my statements. I know that I can be prosecuted if I knowingly give false information.

.....  
 Signature of applicant

Date:.....

**NOTE**

**The application form must, after completion, be submitted to the dedicated official –**

(a) electronically to the following addresses:.....@justice.gov.za

(b) by facsimile to.....; **or**

(c) by registered post to the following address: The Head: TRC Unit, The Department of Justice and Constitutional Development, Private Bag X81, Pretoria, 0001.

**FORM 2: CERTIFICATE BY DEDICATED OFFICIAL**  
**[Regulation 19(4)(a)]**

**PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995**  
**(ACT 34 OF 1995)**

*(This form must be completed by the dedicated official (an official in the TRC Unit) when verifying whether the learner who needs assistance is a victim or a relative or dependant of a victim)*

*\* Mark appropriate block with an X*

<b>A. PARTICULARS OF THE APPROVED LISTED BENEFICIARY IN TERMS OF REGULATION 19</b>	
<b>Name of person who needs assistance:</b>	
<b>ID number/Date of birth:</b>	
<b>Date application received:</b>	

<b>B. VERIFICATION BY DEDICATED OFFICIAL</b>		
<b>The person mentioned in Part A is a –</b>		
<b>(a) Approved Listed Beneficiary:</b>	<b>*Yes / No</b>	
	TRC reference check	<b>Yes / No</b>
	TRC reference number of victim	
	Additional documents / Information received	<b>Yes / No</b>
	If Yes, specify	

**Or**

<b>(b) RELATIVE OF AN APPROVED LISTED BENEFICIARY</b>	<b>*Yes / No</b>
His or her relationship with the approved listed beneficiary is as follows:	
.....	
.....	

**Or**

<b>(c) DEPENDANT OF AN APPROVED LISTED BENEFICIARY:</b>	<b>*Yes / No</b>
The basis of his or her dependency on the approved listed beneficiary is as follows:	
.....	

.....

**C. RECOMMENDATION BY DEDICATED OFFICIAL**

**D. PARTICULARS OF DEDICATED OFFICIAL**

**Name and surname:** .....

**ID number:** .....

  

.....

Signature of dedicated official

Date of certificate .....