

Briefing Document Provided by the National Special Needs Housing Forum to the National Department of Housing: National Policy Directive for Special Needs Housing

1 Context

- 1.1 Situation of crisis: The issue of special needs and special needs housing in South Africa is a critical issue that requires rapid attention. The situation is exacerbated by the HIV AIDS pandemic as well as a range of youth and gender issues. For example, there are currently estimated to be 1.8 million orphans and vulnerable children in SA, of which 1.3 million are estimated to be HIV AIDS affected. The provision of housing subsidies to enable the provision of accommodation for those in special needs is thus a high priority and a rapid response is required.
- 1.2 Special Needs Housing Forum: The SNHF is a national umbrella structure involving a range of grassroots, civil society and non profit stakeholders who are involved in special needs housing with the purpose of sharing knowledge and information and in helping to mainstream special needs housing at the national level. The forum represents some 20 civil society organisations and over 65 special needs housing projects in a range of provinces including Gauteng, KZN, Western Cape and Eastern Cape.
- 1.3 Definition of special needs housing: Special needs housing is defined as housing which provides for a range of people in special need, including:
 - 1.3.1 Infected or affected by HIV AIDS
 - 1.3.2 Orphans and vulnerable children (OVC's)
 - 1.3.3 Seriously ill
 - 1.3.4 Old and infirm (including frail care)
 - 1.3.5 Physical disabilities
 - 1.3.6 Intellectual and psychiatric disability
 - 1.3.7 Homeless / on the street (including street children, refugees, trafficked people)
 - 1.3.8 Victims of domestic abuse and family violence
 - 1.3.9 Under substance rehabilitation
 - 1.3.10 Parolees, ex-offenders and juvenile offenders.
- 1.4 Typical project types: A wide range of project types address these needs, including foster care (eg: community care homes), hospices, palliative care, places of safety / shelters (including move-on accommodation / 2nd stage housing & emergency accommodation), homes for the elderly, transitional housing.
- 1.5 Scale of delivery on the ground: Significant delivery of special needs housing has already occurred in provinces such as KwaZulu Natal, Eastern Cape, Gauteng and Western Cape. A total of at least 65 projects utilising housing subsidies are already in place.
- 1.6 Existing provincial special needs housing policies: There are currently provincial special needs housing policies in place in KwaZulu Natal (since 1999) and the Eastern Cape (since

2006/7). There is also a draft policy in place in the Western Cape and Gauteng has previously made subsidies available through the transitional subsidy framework.

1.7 National policy background: In 2003, the National Department of Housing released a HIV AIDS Policy Framework which, amongst other things, recognised:

1.7.1 The need for the Department of Housing to assist departments such as Social Welfare and Health with shelter and housing issues DoH HIV AIDS Policy Framework;

1.7.2 The need for effective partnerships between the public sector, civil society sector and private sectors;

1.7.3 The need to factor in the Transitional Subsidy Scheme (which was already in use at that time and which is a variation of the institutional subsidy mechanism);

1.7.4 The need for the National Dept. Housing to develop guidelines to implement this.

The “Framework for an Integrated Local Government Response to HIV and AIDS”, published by the Department of Provincial and Local Government in April 2007, also provides a mandate for the National Department of Housing to, “Develop and implement legislation, policies, and strategies to ensure that the right of access to adequate housing is realised for all and that, where necessary, special attention is given to the needs of households affected by HIV and AIDS.”

Special needs housing is also consistent with Breaking New Ground given its imperative of creating better integrated and more sustainable human settlements. The provision of improved care and shelter for those in special needs plays an important role in this regard.

1.8 Partnership with civil society: It is emphasised that, whilst those in special need are the sole beneficiaries of special needs housing subsidies, the recipients of the subsidies are various institutions which take the form of non profit organisations involved in a range of projects and initiatives at community level. These organisations are the primary drivers of initiatives who in so doing expand the capability of South Africa to address the crisis of special needs outlined above. The provision of housing subsidies and other support from departments such as Social Development and Health (eg: operational grants), enables these organisations to increase the scale of assistance they can provide.

2 Problem statement

2.1 As outlined above, there is a massive demand (situation of crisis at grassroots level).

2.2 Organisations involved in special needs at a grassroots level currently do not receive sufficient support and struggle on a daily basis to access the necessary resources, including funding for the construction of accommodation and funding for operational expenses. The provision of adequate housing in a supportive environment is a fundamental requirement for organisations to meet the Minimum Standards for Child and Youth Care Facilities, prescribed by the Department of Social Development; however there is no enabling national legislation to meet this provision.

- 2.3 Provinces such as the Western Cape, which have draft special needs policies in place, are more likely to finalise and activate these policies if there is a clear 'mandate' or 'directive' from the National Dept. Housing to the provinces.
- 2.4 Grassroots organisations in provinces where no special needs policy exists face great difficulties in respect of providing shelter. There is a likelihood that a national directive would enable these provinces to develop their own provincial policies and release much needed special needs housing subsidies.
- 2.5 There is uncertainty in some quarters as to the status of the transitional subsidy mechanism and a clear national directive would remove this uncertainty which is sometimes an obstacle to providing special needs subsidies (eg: the current situation in Gauteng and many other provinces).

3 Way forward

- 3.1 It is recommended that a directive and / or simple policy framework be issued by the National Department of Housing to the various provinces along the lines outlined below. Given the historical delays in finalising a national special needs housing policy and the fact that provincial level policies are already in place, it is suggested that commissioning a detailed national policy would be inappropriate as this would inevitably result in further delays. Such a broad national framework is all that is necessary, which would then leave it up to specific provinces to develop their own more detailed policies within the mandate of this overall broad directive / framework. The key elements that need to be included are as follows:
 - 3.1.1 Transitional and/or special needs¹ subsidies are appropriate for use in addressing special needs housing, these subsidy instruments being a variation of the institutional subsidy as already being applied in provinces such as KwaZulu Natal.
 - 3.1.2 Grassroots civil society organisations such as registered Non Profit Organisations (NPO's) who are involved in special needs housing can apply for and access these subsidies, subject to certain conditions and requirements being met and as laid down by each province. It is noted that further information on the typical requirements for special needs housing subsidy applications can readily be provided by the SNHF.
 - 3.1.3 In all cases, the approval of the project concept and applicant organisation by either the relevant provincial Department of Health or Social Development should be a pre-requisite, it being noted that this pre-supposes a reasonable level of inter-departmental co-operation.
 - 3.1.4 Provinces should make available preparation funding to applicant organisations in order to enable them to properly prepare their projects and provide subsidy application of a high standard. This funding should be released on the basis of a written application and subject to the project having reasonable prospects of success. It is again noted that further information on this can readily be provided by the SNHF.

¹ KZN Housing Policy Communique 3/2004 refers.

- 3.1.5 Provincial Departments of Housing should be requested to develop their own detailed provincial policies within the above broad framework.
- 3.2 In respect of communications, it is requested that a channel of communication be established through which provinces and the SNHF can communicate directly with the National Department of Housing on special needs housing issues and to enable learning, information sharing and continuous improvement.
- 3.3 It is noted that the detailed framework, mechanisms and processes for special needs housing are already well defined and the SNHF can provide more information on this as and when required (eg: the necessary contents for a subsidy application). It is however assumed that this level of detail will be dealt with at the provincial levels.
- 3.4 It would be advantageous if Provincial Departments of Housing mandate a specific individual or directorate to deal with special need housing (eg: Institutional Housing Directorate deals with this in KZN - Robert Sibiya). It is noted that very little capacity is required to deal with special needs housing and in KZN two or three personnel can handle all of the provinces special needs housing projects.
- 3.5 It would also be advantageous if a specific budget was set aside (ring-fenced) by provinces for special needs housing so that there is not direct competition between special needs housing projects and mass delivery housing (it being noted that the financial requirements for special needs housing are modest in scale).

4 Conclusion

Special needs housing affords a major developmental opportunity for the National Department of Housing and Provincial Departments of Housing and it would require minimal effort to enable the activation of a national programme which would have major impacts and benefits for vast numbers of people in special need. Furthermore, due to the small capital value of special needs projects, especially when compared with the high capital funding requirements for project linked subsidies, the impact on the national housing budget would be minimal.