



**POLICY: PRIVATELY-OWNED STUDENT ACCOMMODATION**

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<p>UJ documents (e.g. Policies, Regulations, Guidelines, Contracts)</p> <ul style="list-style-type: none"> <li>• UJ Statute;</li> <li>• UJ Admissions and Placement Policy;</li> <li>• UJ Occupational Health and Safety Regulations;</li> <li>• UJ Policy on Handling Student Complaints;</li> </ul>	<p>Other (e.g. Legislation, DoE and HEQC directives and guidelines)</p> <ul style="list-style-type: none"> <li>• Higher Education Act 101 of 1997 (as amended);</li> <li>• National Student Financial Aid Scheme Act 56 of 1999;</li> <li>• National Building Regulations;</li> </ul>

<ul style="list-style-type: none"> <li>• UJ Student Regulations;</li> <li>• UJ Regulation For Student Discipline;</li> <li>• UJ Policy on Contract Management;</li> <li>• UJ Standard Operating Procedures for Contracts: UJ Policy on Management of Pregnant Students</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic Communications and Transactions Act 25 of 2001;</li> <li>• City of Johannesburg Public Health bylaws as well as all other municipal bylaws;</li> <li>• Rental Housing Act 50 of 1999;</li> <li>• Consumer Protection Act 68 of 2008;</li> <li>• City of Johannesburg Commune Policy;</li> <li>• Report on the Ministerial Committee for the provision of Student Housing at South African Universities;</li> <li>• The Policy on the Minimum Norms and Standards for Student Housing at Public Universities</li> </ul>
<p>Internal stakeholders affected by this document (units and divisions who should be familiar with it):</p> <ul style="list-style-type: none"> <li>• Registered Students;</li> <li>• UJ Protection Services</li> <li>• Division of Student Affairs;</li> <li>• Campus Health;</li> <li>• Student Finance; and</li> <li>• SRC;</li> </ul>	
<p>Website address of this document:</p>	

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## 1. PREAMBLE

In pursuit of realising its vision of being an international university of choice, anchored in Africa, dynamically shaping the future and meeting the strategic objective of the University of Johannesburg (“the University”/ “UJ”) to offer an enriching student-friendly learning and living experience, the University has adopted the Policy on Privately-owned Student Accommodation (“the Policy”) with the aim of providing Students who enter into contracts with Service Providers (“SPs”) for accommodation in Privately-owned Student Accommodation (“POSA”) subject to the Policy with adequate, fit-for-purpose accommodation of reasonable quality, and enable them to enjoy learning and living environments that promote academic success.

## 2. PURPOSE

The purpose of the Policy is to publish to SPs, Students, the University community and other interested parties the University’s policy on POSAs and particularly the framework for the University entering into contracts with SPs who subscribe to the University’s policies for the benefit of Students and SSPs.

## 3. OBJECTIVES

The objectives of the Policy are to:

- 3.1 establish criteria and procedures for evaluating applications by SPs with the aim of identifying those with whom the University enters into contracts as Subscribing Service Providers (SSPs) for the benefit of Students and SSPs;
- 3.2 establish monitoring and accountability procedures for SSPs with which the University enters into contracts and the POSAs subject to such contracts;
- 3.3 ensure consistency with other guidelines, regulations and legislation relevant to the Policy.

#### 4. SCOPE

The Policy applies to prospective SSPs which seek to enter into contracts with the University in respect of POSAs and SSPs with which the University enters into such contracts in respect of POSAs subject to the Policy.

#### 5. ABBREVIATIONS AND EXPRESSIONS

For the purpose of the Policy, unless stated otherwise or the context indicates otherwise, the following abbreviations and expression will bear the following meanings and cognate expressions and abbreviations will bear corresponding meanings:

5.1	Academic Calendar	The calendar of the <i>University</i> approved by the <i>University</i> from year to year
5.2	Academic Year	The Academic Year as determined by the <i>Academic Calendar</i>
5.3	APB	Auckland Park – Bunting Road Campus of the <i>University</i>
5.4	APK	Auckland Park – Kingsway Campus of the <i>University</i>
5.5	Applicants	Prospective <i>SPSs</i> who apply to be evaluated to become <i>SPSs</i> for a particular Academic Year and in respect of a particular <i>POSA</i> .
5.6	Blacklisted	A status conferred by the <i>University</i> on an Applicant, a <i>SSP</i> or a <i>CCSP</i> for a period of time specified by the <i>University</i> during which the <i>University</i> will not enter into contracts it or in respect of <i>POSAs</i> it owns or manages as the result of it having supplied the <i>University</i> with fraudulent documentation required in terms of <i>University</i> or <i>CoJ</i> policies, engaged in fraudulent activities when conducting business with the <i>University</i> or its <i>Students</i> , or has failed to meet the criteria set in the <i>Policy</i> , including the minimum norms and standards, to the extent that it is not reasonable to expect the

		<i>University</i> to enter into contracts with it
5.7	CoJ	City of Johannesburg
5.8	CCSP	A Conditionally Considered <i>SP</i> which is granted that status as a result of it not fully meeting the criteria set in the Policy in respect of a particular <i>POSA</i> , including the minimum norms and standards, but is afforded the opportunity to carry out immediate and significant action within a particular period of time to fully meet the criteria to become a <i>SSP</i>
5.9	CIPC	Companies and Intellectual Property Commission
5.10	Commune	A dwelling house where the habitable rooms are rented out for an extended period of time to unrelated persons who share the communal facilities such as the kitchen, lounge, dining room and bathrooms
5.11	DFC	Doornfontein Campus of the <i>University</i>
5.12	DVC	The Deputy Vice-Chancellor of the <i>University</i> responsible for student affairs
5.13	Dwelling house	A detached self-contained inter-leading suite of rooms containing a kitchen with or without an ancillary scullery and the appropriate ablutions, used for living accommodation and housing, together with such outbuildings and subsidiary dwelling unit as is ordinarily permitted therewith
5.14	HEA	Higher Education Act 101 of 1997
5.15	Land use consent	Consent that is formally granted to a <i>SSP</i> by the <i>CoJ</i> Council after due considerations of all relevant facts and applicable municipal by laws for the purpose of operating a commune
5.16	MEC	Management Executive Committee established in the <i>UJIS</i>
5.17	MNSSH	The Policy on the Minimum Norms and Standards for Student Housing at Public Universities published in terms of Section 3 of the <i>HEA</i> as Notice No. 897 in the Government Gazette No. 39238 of 29 September 2015
5.18	MoA	Memorandum of Agreement
5.19	Over-swiping	The processing or lodgment of claims for deduction from <i>NSFAS</i> loans or grants or from bursary funds through the official payment terminal which exceeds the number of

		students approved for a <i>POSA</i> or the amount of money approved for accommodation fees, or which relates to payments other than accommodation fees in respect of which the <i>SSP</i> claiming payment has the status of a <i>SSP</i> or which is more than the amount allocated by the University for a particular Student's accommodation.
5.20	NSFAS	National Student Financial Aid Scheme, which is a statutory body, funded primarily by South Africa's National Department of Higher Education and Training, providing study loans and grants to academically able but financially needy students who wish to study at one of South Africa's public higher education institutions
5.21	OHSA	Occupational Health and Safety Act 85 of 1993
5.22	Owner	The registered owner (whether a natural or juristic person) of the land on which the <i>POSA</i> is erected, and includes the holder of a long term lease, or the holder of a land tenure right such as permission to occupy certificate, deed of grant, leasehold or initial ownership, a designated executor, administrator, guardian or one holding any other official capacity, any successor in title, a duly authorized agent
5.23	Policy	The Policy on Privately-owned Student Accommodation
5.14	POSA	Privately-owned Student Accommodation not owned or managed by the <i>University</i> in the form of housing units, which can vary from large blocks of rooms similar to residence halls, to multiple bedroom houses that house only Students, through to individual rooms in houses occupied by the home owner. The <i>University</i> only enters into contracts with <i>SSPs</i> who provide single or double rooms to Students as accommodation.
5.25	POSA subject to the Policy	A <i>POSA</i> managed by a <i>SSP</i> which is granted that status for a particular period of time following the process as provided in the <i>Policy</i>
5.26	Property-zoning certificate	A certificate granted by the <i>CoJ</i> to a <i>SSP</i> to establish a commercial boarding house within a residential environment
5.27	SARL	Student Accommodation and Residence Life

5.28	SP	Service Providers who are private providers of student accommodation which can be natural or juristic persons and which can be the owner of a <i>POSA</i> or be entitled by law to rent out a <i>POSA</i> or parts thereof
5.29	SSP	A Subscribing <i>SP</i> which is granted that status as a result of meeting the criteria set in the <i>Policy</i> in respect of a particular property and which formally becomes a <i>SSP</i> by concluding a <i>MoA</i> with the University in respect of a particular <i>POSA</i> for a particular Academic Year
5.30	SRC	Student Representative Council of the <i>University</i>
5.31	Student	A student as defined in the <i>HEA</i> and the <i>UJIS</i>
5.32	SWC	Soweto Campus of the <i>University</i>
5.33	UJIS	Institutional Statute of the <i>University</i> made in terms of Section 32 of the <i>HEA</i> , as approved by the Minister of Higher Education and Training in terms of Section 33 of the <i>HEA</i> and published as Notice No. 44 in the Government Gazette No. 34954 of 20 January 2012
5.34	University/ UJ	The University of Johannesburg

## 6. POLICY PRINCIPLES

- 6.1 The University does not have the statutory authority to regulate POSAs, but enters into contracts with SSPs in respect of POSAs subject to the Policy by way of MoAs with the aim of providing students who enter into contracts with SSPs with adequate, fit-for-purpose accommodation of reasonable quality, and enable them to enjoy learning and living environments that promote academic success.
- 6.2 MoAs also confer rights and benefits on SSPs which they would not otherwise have. These include:
- (a) The marketing of their services by the University;
  - (b) The University providing SSPs with a list of approved NSFAS Students, with the consent of the Students;
  - (c) The University managing claims pertaining to breakages after verification of such claims;



(d) The use by SSPs of a payment system to deduct the accommodation fees owing to them by Students direct from NSFAS loans or grants or other bursary funds.

6.3 The MNSSH provides that POSAs must meet the minimum norms and standards set therein, failing which they must provide the University with approved plans and strategies to phase in the minimum norms and standards.

6.4 The Policy does not absolve or release any SP from any local, provincial and national laws, legislation and policies which applies to any aspect of housing and the housing of students. On the contrary, and without limiting the generality of the aforesaid, each SP is required to comply with the Constitution, all relevant and applicable legislation and regulations and the common law, including but not limited to the National Building Regulations, the CoJ's Public Health and other by-laws, the Commune Policy of the CoJ, The Policy on the Minimum Norms and Standards for Student Housing at Public Universities, the OHSA, the Rental Housing Act 50 of 1999 and the Consumer Protection Act 68 of 2008.

## **7. FORM OF COMMUNICATION, INFORMATION AND DOCUMENTATION**

Where information and documentation is required in terms of the Policy, the University may determine that such information and documentation may be generated, sent, retrieved or stored by electronic means, in other words as data messages in terms of the Electronic Communications and Transactions Act 25 of 2002. The University will over time incrementally migrate parts of its processes to deal with POSAs to an online system time with the aim ultimate having a fully on-line system in this regard.

## **8. APPLICATIONS TO BECOME A SSP**

8.1 Applicants who wish to obtain the status of a SSP must familiarize themselves with the provisions of the Policy and the procedure to apply for that status.

- 8.2 The University determines annually the opening and closing dates for applications. No late applications will be considered without the approval of the DVC.
- 8.3 Applicants apply for the status of a SSP for a particular period and in respect of a particular POSA by completing the application form as determined by the University. By submitting an application, Applicants agree to be bound by the provisions of the Policy. By submitting an application the Applicant gives its consent that searches, including a "CIPC" search, may be done by UJ without prior notification to the Applicant, to verify the documents and information furnished by the Applicant.
- 8.4 A separate application is required for each POSA in respect of which an Applicant seeks to become a SSP.
- 8.5 A non-refundable application fee is payable in respect of each application as determined by the University.
- (a) For purposes of determining the application fee, POSAs are classified as a Commune, a Residential 3 or 4 dwelling house or a High-rise building and each category has its own invoicing system.
  - (b) The application fee for High-Rise buildings shall be differentiated depending on the occupancy capacity of the building.
  - (c) The University will issue each applicant with a pro-forma invoice and upon acceptance of the invoice, the University will issue the applicant with a tax invoice for payment of the non-refundable application fee.
  - (d) Where the status of SSP is not conferred on Applicants and there is a need to re-evaluate the relevant POSA, the Applicants will be liable for an additional non-refundable fee in respect of the re-evaluation.
  - (e) A levy as determined by the University will be payable in respect of late applications which the DVC permits to be considered.
- 8.6 The University will only consider applications in respect of which:

- (a) application forms have been completed in full;
- (b) all the required information have been provided;
- (c) all relevant documents have been furnished;
- (d) the time period for the validity of the documents have not expired; and
- (e) proof of payment of the non-refundable application fee has been provided or is available.

## **9. CONSIDERATION OF APPLICATIONS**

- 9.1 Applications are considered by panels appointed by the University.
- 9.2 A Document Review Panel reviews all required documents and carries out processes of verification and authentication with the relevant authorities as determined at the discretion of the University. The Document Review Panel reports their findings to the Evaluation Panel.
- 9.3 The Evaluation Panel has the following members:
  - (a) The Senior Director of Student Affairs or his/her nominee (Chairperson);
  - (b) The Director of Student Accommodation and Residence Life or his/her nominee;
  - (c) The POSA Coordinator or his/her nominee;
  - (d) Two other staff members from Student Affairs appointed by the Chairperson;
  - (e) A UJ SRC Representative.
- 9.4 The Evaluation Panel considers which applications go forward for physical inspection by an Inspection Panel.

- 9.5 The Inspection Panel has the following members:
- (a) The POSA Coordinator or his/her nominee;
  - (b) The Occupational Health and Safety Practitioner;
  - (c) A Campus SRC representative;
  - (d) Other members as the Evaluation Panel may determine are required to carry out the mandate of the Inspection Panel.
- 9.6 The Inspection Committee inspects a POSA in the presence of the owner or her/his authorized representative. After inspection of the POSA, the Inspection Committee reports its findings to the Evaluation Panel.
- 9.7 The Evaluation Committee considers the findings of the Document Verification Panel and the Inspection Panel. Having regard to the criteria and provisions set out in the Policy, including the minimum norms and standards, the Evaluation Committee determines one of the following outcomes of an application:
- (a) The Applicant is granted the status of a SSP for a particular POSA for a specified period, subject to the conclusion of an MoA;
  - (b) The Applicant is granted the status of a CCSP for a particular POSA and provided the opportunity to carry out immediate and significant action within a particular period of time to fully meet the criteria to become a SSP, failing which the application will be declined.
  - (c) The application is declined.
  - (d) The application is declined and the Applicant is blacklisted.
- 9.8 The University will communicate the outcome of an application to Applicants in writing, which may be in the form of an electronic data message. No other forms of notification will be of any force and effect.

**10. CRITERIA FOR BEING GRANTED THE STATUS OF A SSP IN RESPECT OF POSAs IN URBAN AREAS**

10.1 Subject to the conclusion of an MoA, Applicants who meet the criteria below are granted the status of a SSP in respect of POSAs in an urban area such as where DFC, APB and APK are located.

10.2 The following documents, which have not expired, are provided to the University:

- (a) CoJ Land Use Consent for communes;
- (b) Certificate of Occupancy for the property;
- (c) Residential Zoning Permit;
- (d) Development Plans, including plans and strategies for the phasing in of the minimum norms and standards prescribed by the MNSSH;
- (e) Proof of ownership (Title deed) of the property ;
- (f) If the Applicant is not the owner of the property, the written consent by the actual owner permitting the Applicant to operate the property as a POSA or a lease agreement between the Applicant and the owner of the property permitting the Applicant to operate the property as a POSA;
- (g) Certified copy of a valid identity document of the Applicant, the directors and/or members of the entity applying to become a SSP;
- (h) Original Valid Tax Clearance Certificate;

- (i) Registration documents issued by the Companies and Intellectual Property Commission where applicable, confirming that the trading status of the juristic person is active;
- (j) Copy of public liability insurance cover for an amount of not less than R5 million. The cover must be for the POSA and must be for the full period during which the status of SSP is sought. The cover must extend to any legal liability which may be incurred to a Student with whom the SSP enters into a contract for the period, and if not, proof of separate insurance cover in this respect must be provided;
- (k) Approved and Stamped Building Plans;
- (l) Proof of payment of the mandatory application fee unless the payment is verified by an online application system;
- (m) A copy of the water and electricity bill which provides evidence that the supporting documentation supports the application.

10.3 The Applicant complies with all all of the legislative requirements (national, regional and municipal) regulating health and safety at the POSA, including those contained in the OHSA.

10.4 The room specifications meet the minimum norms and standards set out in the Policy

## **11. CRITERIA FOR BEING GRANTED THE STATUS OF A SSP IN RESPECT OF POSAs IN TOWNSHIPS**

11.1 Subject to the conclusion of a MoA and having regard to directives issued by the CoJ, Applicants who meet the criteria below are granted the status of a SSP in respect of POSAs in a township such as where the SWC is located.

11.2 The following documents, which have not expired, are provided to the University:

- (a) Certificate of Occupancy for the property;
- (b) Land Use Consent for properties in Urban areas surrounding SWC (for example Naturena, Mondeor, Kibler Park and Meredale);
- (c) Development Plans, including plans and strategies for the phasing in of the minimum norms and standards prescribed by the MNSSH;
- (d) Proof of ownership (Title deed) of the property;
- (e) If the Applicant is not the owner of the property, the written consent by the actual owner of the property permitting the Applicant to operate the property as POSA or a lease agreement between the Applicant and the owner of the property permitting the Applicant to operate the property as a POSA;
- (f) Certified copy of a valid identity document of the Applicant, the directors and/or members of the entity applying to become a SSP;
- (g) Original Valid Tax Clearance Certificate;
- (h) Registration documents issued by the Companies and Intellectual Property Commission where applicable, confirming that the trading status of the juristic person is active;
- (i) Copy of public liability insurance cover for an amount of not less than R5 million  
The cover must be for the POSA and must be for the full period during which the status of SSP is sought. The cover must extend to any legal liability which may be incurred to a Student with whom the SSP enters into a contract for the period, and if not, proof of separate insurance cover in this respect must be provided.

- (j) Approved and Stamped Building Plans;
- (k) Proof of payment of the mandatory application fee unless the payment is verified by an online application system;
- (l) A copy of the water and electricity bill which provides evidence that the supporting documentation supports the application.

11.3 The Applicant complies with all all of the legislative requirements (national, regional and municipal) regulating health and safety at the POSA, including those contained in the OHSA.

11.4 The room specifications meet the minimum norms and standards set out in the Policy.

## **12. CONSIDERATIONS FOR GRANTING A SP THE STATUS OF A CCSP**

12.1 An Applicant is the status of a CCSP if it does not fully meet the criteria set in the Policy in respect of a particular property, including the minimum norms and standards, but it is in the view of the Evaluation Panel possible for the CCSP to fully meet the criteria if it is afforded the opportunity to carry out immediate and significant action within a particular period of time.

12.2 Without limiting the generality of the aforesaid test to grant the status of a CCSP to an Applicant, the following guidelines inform decisions in this regard:

- (a) An Applicant has submitted all relevant documents but the documents are found to not fully comply with the requirements as follows:
  - a. The Tax Clearance Certificate has expired after submission date;
  - b. Public liability and other insurance cover do not indicate the POSA covered and/ or has no expiry date and/ or does not cover the full period for being a SSP and/ or do not confirm that it covers liability that may be incurred



towards students with whom the Applicant concludes contracts;

- c. Building plans in respect of which the stamp imprints may need to be verified;
  - d. Under limited circumstances, when ownership/ lease seem unclear and the Applicant is given a very strict time line to submit relevant documentation [proof of ownership (Title deed) or a lease agreement between the property owner (with Title deed) and the Applicant granting the Applicant permission to lease the property as a POSA.]
- (b) Where there is reason to believe that the property should be declared compliant with OHSA requirements or the OHSA non-compliance issues are of such minor detail that the UJ OHSA office is satisfied that compliance can be achieved within a set time frame.
  - (c) Where the POSA does not meet the minimum norms and standards set out in the Policy and the non-compliance issues are of such minor detail that compliance can be achieved within a set time frame.

12.3 Upon the lapse of the status as CCSP and following review, the Evaluation Panel makes one of the following decisions:

- (a) Grant the CCSP the status of a SSP subject to the conclusion of a MoA;
- (b) Decline the application;
- (c) Decline the application and blacklist the Applicant.

### **13. THE DECLINING OF APPLICATIONS**

13.1 An application to be granted the status of a SSP is declined if the Applicant does not meet the criteria set in the Policy in respect of a particular property, including the minimum norms and standards.

13.2 Without limiting the generality of the aforesaid test, an Applicant's application to be granted the status of a SSP may be summarily declined for failure to either provide or comply with the following requirements:

- (a) Failure to supply registration documents issued by the Companies and Intellectual Property Commission where applicable, confirming that the trading status of the juristic person is active;
- (b) Failure to pay the mandatory application fee;
- (c) Failure to provide a CoJ Land Use Consent (DFC/ APB/ APK);
- (d) Failure to provide Approved and Stamped Building Plans;
- (e) Failure to provide proof of ownership of the property or written consent by the actual owner of the property permitting the Applicant to operate the property as POSA or lease agreement between the Applicant and the owner of the property permitting the Applicant to operate the property as a POSA.

#### **14. BLACKLISTED**

14.1 Blacklisted is a status which can be given to an Applicant, a SSP or a CCSP by an Evaluation Panel or by the University.

14.2 The consequences of being granted a status of being blacklisted are:

- (a) A SSP or CCSP loses that status;
- (b) The University will not for a period specified by the University enter into contracts with the particular SP or in respect of properties it owns or manages.

14.3 The grounds for blacklisting a SP are the University being supplied with fraudulent documentation required by UJ or CoJ policies, engagement by the SP in fraudulent

activities when conducting business with the University or its Students, or failure by a SSP to meet the criteria set in the Policy, including the minimum norms and standards, to the extent that it is not reasonable to expect the University to enter into contracts with it.

14.4 Without limiting the grounds for blacklisting as set out above, the following are examples of activities which may lead to the blacklisting of a SP:

- (a) Supplying the University with forged/ fraudulent Land Use Consent in support of an application;
- (b) Supplying the University with a forged/ fraudulent Zoning permit in support of an application;
- (c) Charging NSFAS students deposits when they move into a property;
- (d) Colluding with either students/ UJ staff members to defraud the university;
- (e) Breaching any provision in the MoA it had entered into with the University of Johannesburg;
- (f) Over-swiping.

14.5 Over-swiping as contemplated in the Policy amounts, depending on the circumstances, to fraud against the State, the Students, the University and other stakeholders like bursary sponsors. Over-swiping occurs in several contexts, including claiming by way of the NSFAS/ bursaries card machine:

- (a) For more tenants/ Students than the number as approved in terms of the application;
- (b) For an amount beyond the prescribed NSFAS/ bursaries rate;
- (c) Payments other than accommodation fees in respect of which the SP claiming payment has the status of a SSP;

- (d) More than the amount allocated by the University for a particular Student's accommodation.

## **15. APPEALS PROCESS**

- 15.1 An Applicant whose application has been declined may appeal against the decision of the Evaluation Panel.
- 15.2 An Applicant must lodge an appeal with the Appeals Panel within five (5) working days after receiving the formal outcome of the application and at the same time provide the Appeals Panel with written submissions setting out fully the grounds of appeal accompanied by substantiating facts and documents.
- 15.3 The Appeals Panel is chaired and constituted by the Member of the Management Executive Council of the University responsible for Student Affairs or his/ her nominee.
- 15.4 The Appeals Panel determines its own process, which may include interviewing the Applicant, owner or other persons and inspecting the premises. The Appeals Panel concludes the appeal as soon as is practically possible and reasonable. The Appeals Panel upholds or rejects the appeal. If the appeal is upheld, the Appeals Panel can substitute the outcome of the Evaluation Panel with another outcome that the Evaluation Panel could have reached.
- 15.5 The decision of the Appeals Panel is final.

## **16. SIGNATURE OF MEMORANDUM OF AGREEMENT**

- 16.1 The University grants an Applicant the status as a SSP subject to the conclusion of an MoA.
- 16.2 An original version of the signed MoA must be forwarded to the Contract Management office within UJ as per the Contract Management policy;

**17. MARKETING AND PROMOTION OF THE SERVICES OF SSPs WITH WHOM THE UNIVERSITY HAS CONCLUDED MoAs.**

- 17.1 No SP can market itself as a SSP prior to concluding an MoA with the University.
- 17.2 Once a MoA has been concluded between a SSP and the University in respect of a particular POSA, details of the POSA will be placed on a database of the University. This database will be regularly updated and made available to current and prospective students. The database will also be available on the UJ website. In the event where a SP has been granted the status of a SSP and has concluded the required MoA, the status of the accommodation will be communicated as such in the published list.
- 17.3 Only POSAs subject to the Policy in respect of which MoAs have been concluded between the University and a SSP, may be advertised on UJ notice boards with the prior approval of the Director: SARL.
- 17.4 An SSP may take in NSFAS and bursary students only after they have concluded MoAs with the University.

**18 CANCELLATION OF MoAs CONCLUDED WITH SSPs**

- 18.1 The University in terms of this Policy may cancel a MoA concluded with a SSP when the SSP is engaged in illegal or unethical business practices or contravenes or breaches the Policy, the MoA or other UJ policies. The University may, in addition, consider blacklisting the SSP.
- 18.2 If, in the course of the calendar year for which an MoA has been concluded clear evidence is provided to the University that the POSA subject to the Policy no longer meet the norms and standards contained in the Policy, the following guidelines are provided for the response of the University:
- (a) Where relevant, the Inspection Panel will re-inspect the property in question and submit a report to the Evaluation Panel. The Inspection Panel may delay its

report if it is its consensus view that it is possible for the POSA subject to the Policy to forthwith address certain clearly defined shortcoming in respect of the POSA. In such a case the SSP may be afforded an opportunity to remedy such shortcomings within a period of seven (7) days after having been notified in writing of such shortcomings by the convener of the Inspection Panel after which a further inspection, if deemed necessary will be made

(b) The Evaluation Panel will consider the report and review the status of the SSP in respect of the POSA subject to the Policy.

(c) The Senior Director: Student Affairs informs the SSP of a decision to revoke the status as SSP.

(d) A SSP may appeal an adverse decision in which event the provisions of Clause 14 of the Policy, with the necessary changes, apply.

18.3 In certain instances the University may forthwith cancel an MoA. This includes where clear evidence exists that a SSP solicits employees of UJ or Students through inducements, whether monetary or otherwise to support their (continued) status as SSP.

18.4 Where a MoA is cancelled, the University will not do the same or a similar business with the SP or another SP which manages the property of the blacklisted SP for the period of three (3) years or more.

18.5 In the case where a MoA is cancelled, Students staying in the affected POSA will be notified and advised to serve the mandatory 30 day notice. The Students will also be provided with a list of other POSAs subject to the Policy that still have space.

## **19 MINIMUM NORMS AND STANDARDS FOR ROOMS SPECIFICATION**

19.1 Student double rooms should be no smaller than 14m<sup>2</sup>, and a single room should be a minimum 7m<sup>2</sup> (8m<sup>2</sup> in terms of the MNSP);

19.2 Rooms should be furnished with lockable closets, single bed steel or wooden

frames including mattress/sponge, study desk, chair, bookshelf, study lamp, panel heater and paper bin. For double rooms the required furniture must be duplicated;

19.3 No more than four students must share a bath or shower and toilet;

19.4 Cooking inside student rooms shall not be permitted. Suitable student storage, preparation and kitchen space shall be provided, which shall be equipped with the following facilities and in the following ratios:

- Stove – one (1) per four (4) student residents
- Sink – one (1) per 10 students in commune dwellings and 15 student residents in high rise buildings
- Lockable cupboards – one (1) per student resident
- Microwave oven – one (1) per eight (8) student residents in commune dwellings and 12 in high rise building
- Countertop space – sufficient for eight (8) students' in commune dwellings and 12 students' in high rise buildings
- A minimum provision of cold storage, 210 litres per five (5) students.

19.5 Rental charged per student is inclusive of water and electricity.

19.6 A POSA must have the capacity to accommodate a minimum of six (6) students for it to qualify as a POSA subject to the Policy and for the owner or manager to have the status of a SSP.

19.7 The CoJ parking norm provision of one (1) parking bay per two tenants for residential developments shall be applicable to a POSA unless UJ grants exemption upon application for such by the applicant.

## **20. RESPONSIBILITIES OF STUDENTS**

20.1 Students are to clean their own rooms (the SSP must clean all communal areas, ablution areas a daily basis).

- 20.2 Students shall not act or conduct themselves in a manner that may bring the name of UJ into disrepute.

## **21 DUTIES AND OBLIGATIONS OF PPPSAs**

- 21.1 A SSP must provide suitable student accommodation which meets the minimum requirements as set out in the Policy throughout the year.
- 21.2 A SSP must comply throughout the year with the Constitution, all relevant and applicable national, provincial and local legislation, regulations and policies and the common law, including but not limited to the National Building Regulations, the CoJ's Public Health and other by-laws, the Commune Policy of the CoJ, The Policy on the Minimum Norms and Standards for Student Housing at Public Universities, the OHSA, the Rental Housing Act 50 of 1999 and the Consumer Protection Act 68 of 2008. . The aim is that a Privately-owned Student Accommodation subject to the Policy managed by a Subscribing Service Provider must be of a standard that is at least the equivalent of a UJ residence in terms of quality and appearance.
- 21.3 A SSP must provide reliable transport running to and from the relevant campus at regular intervals from 06h00 to 22h00 in areas where the distance of the accommodation from a campus exceeds 2km.
- 21.4 A SSP must abide by the Policy and other relevant policies as well as all of the terms and conditions of the MoA.
- 21.5 The SSP must give an acknowledgment of payment receipt to Students and provision for this acknowledgement should be made within the agreement between the Student and the SSP.
- 21.6 A SSP must obtain the card machines/ merchant codes for purposes of obtaining payment for accommodation fees of Student by way of swiping. The machines/ merchant codes will be the responsibility of the SSP.
- 21.7 The SSP must ensure that all financial transactions between NSFAS/ other bursary Students and the SSPs are facilitated through the University approved card machines/ merchant codes and no cash must be exchanged.



- 21.8 The SSP may not accommodate students exceeding the number of beds approved by virtue of the application to be awarded the status as SSP.
- 21.9 The SSP may only swipe accommodation costs for the actual number of Students accommodated and that number shall not exceed the number of beds approved by virtue of the application to be awarded the status as SSP.
- 21.10 UJ must be allowed reasonable access to the POSA subject to the Policy throughout the year.
- 21.11 SSPs must conclude clear and comprehensive standard lease agreements with Students after consultation with relevant University officials and student representatives. If the SSP chooses not to conclude a written Agreement between itself and a Student, the SSP carries the risks arising therefrom.
- 21.12 SSPs must conclude agreements between themselves and all property owners in the event that the property does not belong to the SSP. By signing of the MoA, UJ accepts that the SSP has the right to rent out the POSA subject to the Policy to Students and to act on behalf of any property owners; obtain payment from Students where the Students do not have preloaded credits and/or cash students or in the event that the Student has no financial assistance from an external party. UJ is not responsible for non-payment of any accommodation fees.
- 21.13 The SSP must maintain public liability insurance cover for an amount as determined by the University depending on the category and occupancy capacity of the accommodation. The cover must be for the POSA subject to the Policy and must be for the full period during which the status of SSP is granted. The cover must extend to any legal liability which may be incurred to a Student with whom the SSP enters into a contract for the period, and if not, separate insurance cover in this respect must be maintained. No contractual exclusion of liability by a Student which will result in the insurance cover not responding is permitted.
- 21.14 A SSP cannot transfer its status to another POSA, even if the SSP is the owner of the other POSA.
- 21.15 A SSP cannot cede their rights and delegate their obligations in terms of the Policy or

MoA to any other third party; for example, a SSP cannot cede these rights and transfer their obligations to a new owner of a POSA subject to the Policy.

- 21.16 In the event where the owner decides to sell the POSA subject to the Policy UJ must be informed in writing before transfer of the property to the new owner has been completed. In the event of a sale of a POSA subject to the Policy the new owner should apply for the status of a SSP. UJ reserves the right to re-evaluate the property as though it was dealing with a fresh application by an Applicant to be granted the status of a SSP.
- 21.17 Any changes to the condition of the POSA subject to the Policy which may affect the status granted to a SSP must be reported to the University which may require re-application for the status of a SSP.
- 21.18 In the event that the SSP is a juristic person, the SSP gives its consent that a "CIPC" search may be done by UJ without prior notification to the SSP, to verify the trading status of the juristic person.
- 21.19 Each POSA subject to the Policy must have a dedicated manager/ caretaker who the UJ management, Students and the public can contact as and when need arises.
- 21.20 Each POSA subject to the Policy must appoint a caretaker that lives on the property and must display an A3 size notice clearly visible stating that the POSA is managed or owned by a SSP subject to the Policy and providing the name and contact details of the caretaker.
- 21.21 A SSP should submit to the University a signed list of students residing in the relevant POSA subject to the Policy on a quarterly basis.
- 21.22 A SSP must inform UJ of any students that have given notice and/or not returning to the accommodation.
- 21.23 A SSP must obtain certificates of compliance from the relevant authority on an annual basis with regard to security staff, mechanisms and procedures. All security providers at POSAs subject to the Policy must operate strictly in accordance with Constitution, legislation, including the Private Security Regulation Act 56 of 2001, and its various Codes and regulations including the Code of Conduct for Security Service Providers, 2003. Without limiting the generality of the aforesaid, it is

recorded that Clause 8(4) of the Code provides that a security provider may only use force when the use of force as well as the nature and extent thereof is reasonably necessary in the circumstances and permitted in terms of the law.

- 21.24 A SSP must clean all communal areas, ablution areas on a daily basis. A cleaning supervision register must be signed and dated by Students. (Students are to clean their own rooms.)
- 21.25 If a POSA subject to the Policy does not meet the MNSSH, a SSP must provide the University with approved plans and strategies to phase in the minimum norms and standards.

## **22 ADDITIONAL REQUIREMENTS**

- 22.1 A SP must state in writing that, once it is granted the status of a SSP, it will not charge students being accommodated more than the amount allocated by the University for the Students' Accommodation.
- 22.2 An Applicant must provide acceptable proof that the Students being accommodated will be properly supervised in respect of such matters as hygiene, security and good and orderly conduct. Following having been given information and guidance by the SSP on matters such as hygiene, security, good and orderly conduct, written information must be provided to students on the relevant matters, and suitable notices on such relevant matters must be displayed in common areas.

## **23 NSFAS FUNDING FOR ACCOMMODATION**

- 23.1 NSFAS only funds the cost of accommodation of students who live in POSAs subject to the Policy managed by a SSP. For this purpose a POSA subject to the Policy constitutes "accredited private student housing" in terms of the MNSSH.
- 23.2 Once applications have been processed, the Division for Financial Governance and Revenue is provided with the list of POSAs subject to the Policy.
- 23.3 A Student who applies for financial aid in terms of NSFAS, and who seeks accommodation in a POSA, is provided with a list of POSAs subject by the Policy by

the Division for Financial Governance and Revenue and by the SARL POSA office.

- 23.4 An NSFAS student will enter into an agreement with the SSP for accommodation in their personal capacity and such agreement is not binding to the University of Johannesburg. The Policy and MoA contain benefits for Students which they may accept and enforce against SSPs.
- 23.5 At a date prior to registration for the Academic Year, a student who thus qualifies for NSFAS financial aid provides the Division for Financial Governance and Revenue with proof of accommodation in a POSA subject to the Policy managed by a SSP and with proof of the rental for the accommodation.
- 23.6 The Division for Financial Governance and Revenue then allocates to the Student an amount for the payment of the rental for accommodation from the NSFAS loan. The maximum amount allocated for accommodation is determined by the University annually.
- 23.7 The Student uses the amount thus allocated to her/him to pay for her/his accommodation. No contract for the payment of accommodation rental by the student shall exist between UJ and the SSP.
- 23.8 A copy of a lease agreement between the Student and the SSP in respect of the POSA subject to the Policy is submitted by the Student to the Finance Department.
- 23.9 The Finance Department is responsible for the financial administration of payments to the SSP.

## **24 MONITORING**

UJ will monitor to the extent possible and reasonable adherence to the terms and conditions of this Policy which will include, but not be limited to the following:

- 24.1 Random unannounced visits to a POSAs subject to the Policy managed by a SSP during which visits the premises will be inspected for the following:
- (a) The number of beds in evidence;

- (b) Whether there is clear evidence that more than the number of Students approved in terms of the application are living at the premises;
- (c) Evidence of safety risks such as overloaded plugs, unsuitable heating and cooking apparatus;
- (d) Evidence of an appropriate level of security at the premises and that all Students understand their responsibilities for safety and security;
- (e) The supervision register will be inspected to ascertain that due guidance, instruction and information has been given and the register signed and dated to confirm such by all Students;
- (f) That public notices are displayed on matters relating to hygiene, security and good and orderly conduct;
- (g) That all aspects of the basic requirements for retaining the status as SSP in respect of the POSA in question are being maintained;
- (h) That the grounds and external areas around the accommodation are maintained in a clean, satisfactory and tidy manner.

24.2 A regular review of complaints received will be undertaken against any POSA subject to the Policy managed by a SSP to determine whether such complaints are commonplace and proven.

24.3 Following the above monitoring procedures information will be provided to the Inspection Committee and the same procedure as described in Paragraphs 9 to 15 above will be followed, with the necessary changes.

## **25 EXEMPTION FROM LIABILITY AND INDEMNITY**

25.1 The University, its management and employees, will under no circumstances be responsible for any claims that Students or the public might have against a SP or

owner of the land. However, UJ will investigate any complaints received relating to a POSA subject to the Policy and managed by a SSP. If UJ receives such a complaint, UJ reserves the right to re-evaluate the POSA to establish whether it still meets the requirements set in the Policy. In the event that it is found that these requirements are not met, paragraph 17 will be invoked.

25.2 The SSP indemnifies and holds harmless UJ, its management and employees, against any loss, damage or injury that may arise, howsoever and whenever, out of any act or omission on the part of the SSP or owner of the land in the offering of accommodation of students.

25.3 The University does not get involved in disputes between SSPs.

## **26 STUDENT DISCIPLINE**

Students who live in POSAs subject to the Policy managed by SSPs are expected to live in accordance with the values of UJ. The *UJ Student Regulations* also apply to students who live in POSAs subject to the Policy, a copy of which is available on the UJ website. Students who transgress these Regulations will be subject to disciplinary action as prescribed in the *Regulations for Student Discipline*.

## **27 DEVIATIONS FROM THE POLICY**

The MEC may approve deviations from the Policy on good cause shown.

## **28 INTERPRETATION, REPEAL OF PREVIOUS POLICY, COMMENCEMENT OF THE POLICY AND TRANSITIONAL ARRANGEMENTS**

28.1 Any reference in the Policy to one gender includes the other. Any reference to the singular includes the plural and vice versa.

- 28.2 Should any statute or statutory provision to which the Policy refers be amended or replaced by another statute, any reference in the Policy to that statute or statutory provision will be interpreted to refer to the amended statute or statutory provision, or to the statute or statutory provision which replaces the statute or statutory provision to which the Policy refers.
- 28.3 The Policy repeals the Off-campus Accommodation Policy and comes into operation on 1 January 2017, subject to the provisions of Clause 28.4.
- 28.4 It is recorded that Applicants applied to subscribe to UJ's policies on privately-owned student accommodation for the 2017 Academic Year on the basis of the criteria set out in the Off-campus Accommodation Policy. Those criteria will continue in operation for the 2017 Academic Year.