



UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG

POLICY DOCUMENT

Private Student Accommodation Policy

WITS POLICY

Version No. 1

Private Student Accommodation Policy

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1. CONTEXT/ BACKGROUND

Whereas the University of the Witwatersrand, Johannesburg (hereafter Wits or the University) is mindful of the shortage of student accommodation in institutions of higher learning in general and Wits University in particular; and

Whereas the Wits recognizes the need to address the shortage of student accommodation by collaborating with Private Student Accommodation Providers whilst recognizing and ensuring compliance with the Minimum Norms and Standards for Student Housing at Public Universities published in terms of the HEA 101 of 1997 in the Government Gazette No.39238.

Now therefore, the University adopts this Policy on Approval of Private Student Accommodation (the Policy) to meet the ever-increasing demands for adequate, fit-for-purpose safe and secure student accommodation.

2. DEFINITIONS

PSAP	Private Student Accommodation Provider
PSA	Private Student Accommodation
Applicant	a party who applies in terms of this Policy to become an Approved Private Student Accommodation Provider (APSAP)
Application Period	the Opening and the Closing Date of Applications in terms of this Policy. The University reserves the right to extend or shorten this Period by Notice to interested parties
APSAP	a Private Student Accommodation Provider who has been Approved in terms of this Policy
Suspended	a status conferred by the University on an APSAP for a specified period of time during which the University will not enter into contracts with the particular APSA

CoJ	City of Johannesburg Metropolitan Municipality
CIPC	Companies and Intellectual Property Commission
DRC	Documents Review Committee
The Act	Higher Education Act 101 of 1997 as amended
MNSSH	Policy on the Minimum Norms and Standards for Student Housing at Public Universities published in terms of Section 3 of the HEA as Notice No. 897 in the Government Gazette No. 39238 of 29 September 2015
MoA	Memorandum of Agreement concluded with APSAP
NSFAS	National Student Financial Aid Scheme
OHSA	Occupational Health and Safety Act 85 of 1993
Policy	Policy for Private Student Accommodation
PIC	Property Inspections Committee
CHRL	Campus Housing and Residence Life
SRC	Student Representative Council of the University
Student	a student as defined in the HEA and the Institutional Statutes
University/Wits	The University of the Witwatersrand, Johannesburg. A higher education institution recognized as such in terms of the Act.
ARSC	This refers specifically to the All Residence Sub-council, a residence council under the leadership of the Wits SRC

3. PURPOSE

The purpose of the Policy is to create a framework for the University to regulate the approval of Private Student Accommodation Providers (PSAP) through:

- 3.1) Establishing the minimum norms and standards for Private Student Accommodation.
- 3.2) Establishing criteria and the procedure for evaluating applications to become Approved Private Student Accommodation Providers.
- 3.3) Setting out the obligations and accountability procedures for the Approved Private Student Accommodation Providers (APSAP).
- 3.4) Ensuring compliance with guidelines, regulations and legislation regulating the provision of student accommodation in Public Universities, particularly the Minimum Norms and Standards for Student Housing at Public Universities published in terms of the HEA 101 of 1997 in the Government Gazette No.3923.

4. SCOPE

This policy applies to all the Private Student Accommodation Providers (PSAP) and the University of Witwatersrand students residing in such accommodation.

5. PRINCIPLES

5.1. Policy Codes

The University does not have the statutory authority to regulate PSA, but enters into contracts with them by way of MoAs with the aim of providing students who enter into contracts with them (PSA) with safe, secure and quality accommodation.

- a) The MNSSH provides that PSAs must meet the minimum norms and standards set therein.
- b) The relationship between the University and the APSA is voluntary in nature.
- c) The Policy does not absolve any APSA from any local, provincial and national legislation, which applies to any aspect of housing and the housing of students. On the contrary, each APSA is required to comply with the Constitution, all relevant legislation and regulations and the common law, including the National Building Regulations, the CoJ's Public Health by-laws, the Commune Policy of the CoJ, the Rental Housing Act 50 of 1999 and the Consumer Protection Act 68 of 2008.

5.2. Minimum Norms and Standards for Rooms Specifications

5.2.1. Design of Residences

- a) Student double rooms should be no smaller than 14m², and a single room should be a minimum 8m² in terms of the MNSSH
- b) Rooms should be furnished with lockable closets, a single bed with 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
- c) No more than seven students must share a bath or shower and toilet.
- d) Cooking inside student rooms shall not be permitted. Suitable student storage, preparation and kitchen space must be provided, which must be equipped with the following facilities and in the following ratios:
 - Suitable food storage, preparation and kitchen space shall be provided
 - stove – 1 four plate stove (with oven) per 8 students

- cold storage – a minimum of a 320 litre capacity fridge/freezer combination is the minimum requirement per 8 students
- sink – 1 per 15 students
- lockable cupboards – 1 per student
- microwave oven – 1 per 15 students
- countertop space – sufficient for 25% of the capacity of the student residents for simultaneous usage

5.2.2. Health and Safety

All providers of student housing must comply with all of the legislative requirements (national, regional and municipal) regulating health and safety at all times. Additional requirements pertinent to the provision of student housing are listed below.

6. ROLES AND RESPONSIBILITIES

6.1. Duties and Obligations of an APSA

- a) At all times, an APSA must provide suitable student accommodation that meets the minimum requirements as stipulated in this Policy and in the MNSSH.
- b) Must comply with the Constitution of the Republic of South Africa, all relevant law, legislation and regulations, including the provisions of the National Building Regulations and the City of Johannesburg Public Health and other by-laws, the Rental Housing Act 50 of 1999, the Consumer Protection Act 68 of 2008 (where applicable), the requirements of the OHS Act, the common law of South Africa and CoJ Commune Policy (where applicable).
- c) An APSAP 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 1km.
- d) An APSAP must abide by the Policy and other relevant policies of the University as well as all of the terms and conditions of the MoA.
- e) The APSAP shall at all times ensure that no cash exchanges hands between the APSAP and NSFAS, Bursaries or sponsorship students.
- f) An APSAP may not accommodate students exceeding the number of beds approved.
- g) The University must be allowed reasonable access to the APSAP throughout the year.
- h) The APSAP must conclude a fair, reasonable, clear and comprehensive standard lease agreement with Students
- i) In entering into lease agreements with the Students, the APSAP must ensure that each

student understands the terms of the lease and that lease is presented to the student in clear understandable terms.

- j) The APSAP must maintain public liability insurance cover for an amount as determined by the University depending on the category and occupancy capacity of the accommodation.
- k) No APSAP can transfer its status to another PSA, even if the APSAP is the owner of the other PSA.
- l) An APSAP cannot cede their rights and delegate their obligations in terms of the Policy or MoA to any other third party e.g. an APSAP cannot cede these rights and transfer their obligations to a new owner of a PSA.
- m) In the event where the owner decides to sell the APSAP the University must be informed in writing before transfer of the property to the new owner has been completed. In the event of a sale of an APSAP, the new owner should apply for the status of an APSAP. The University reserves the right to re-evaluate the property as though it was dealing with a fresh application to be granted the status of the APSAP.
- n) Any changes to the condition of the APSAP that may affect the status granted to the APSAP must be reported to the University, which may require re- application for the status of APSAP.
- o) Each APSAP must have a viable and vibrant student life/support programs. The support may include but not be limited to the following: pastoral care, establishment of house committees, study centres to students, recreational spaces to students, etc.
- p) Each APSAP must have medical emergency processes/protocols in order to assist students in distress.
- q) Each APSAP must have a live-in warden/manager with some level of first aid training who will be available to attend to students' practical needs after hours.
- r) Each APSAP must have a manager/caretaker that lives on the property and must display an A3 size notice stating that the APSAP is managed by the caretaker, providing the contact details of the caretaker.
- s) The APSAP should submit a list of students residing in the relevant property three times in a year.
- t) Only certified security personnel must staff the APSAP. All security providers at approved accommodation must operate strictly in accordance with the Constitution, legislation, including the Private Security Industry Regulation Act 56 of 2001, and its various Codes and regulations including the Code of Conduct for Security Service Providers, 2003. In particular, 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.
- u) The APSAP must clean all communal areas and ablution areas on a daily basis. A cleaning supervision register must be signed and dated by Cleaning supervisor and students.

Students are to clean their own rooms.

- v) No non-student shall reside or be permitted to reside in approved APSAP.
- w) The APSAP must provide necessary ICT infrastructure e.g. WIFI to students to enable students to continue with learning at their place of residence

6.2. Duties and Obligations of the University

- a) The University shall receive and process applications for possible approval of PSA
- b) The University shall grant the approval or decline status to each applicant
- c) The University shall facilitate payment to the APSA on behalf of students whose payments are administered by the University (less monthly mandatory administration fee and or application fee as determined annually by the University)
- d) The University shall monitor compliance by the APSAP and ensure that no deviations to the terms of approval takes place
- e) The University shall publish all APSAPs in its website and/or on notice boards within its campuses
- f) The University may, when necessary intervene in conflicts between students and APSAP;
- g) The University is not responsible for non-payment of any accommodation fees..

7. PROCESS

7.1. Application for Approval

- a) Applicants who wish to be approved in terms of this Policy must familiarize themselves with the provisions of this Policy and shall submit applications to the University for it to be considered for approval.
- b) Wits University will only accept applications from PSAs that are within five (5) kilometers radius from any of its campuses.
- c) The application shall be made in hard copy form or the electronic system prescribed by the University within the stipulated Application Period.
- d) Rental charged per student is inclusive of water and electricity.
- e) A PSA must have the capacity to accommodate a minimum of 100 students for it to qualify for the status of an APSA.
- f) All APSA in the Braamfontein Area will be required to take membership of Braamfontein Improvement District (BID).

7.2. Consideration of Applications

7.2.1. Document Review Committee (DRC)

The Document Review Panel reviews the required documents and carries out processes of verification and authentication of each Applicant's documents. The Document Review Committee will then report its findings of the document review to the Evaluation Panel for a decision on which of the applicant's may proceed to next stage of Physical inspection. The document review committee consists of the following members: 2 (two) CHRL staff members and 1 (One) ARSC member.

7.2.2. Property Inspection Committee (PIC)

The PIC shall be responsible for the physical inspections of the Applicant's property. The PIC will communicate the date and time of the inspection with the PSAP. The PSAP shall ensure that the property is available for inspection in the presence of the owner or his/her authorized representative. Any failure by the PSAP to make the property available on a day and time communicated by the PIC may, at the discretion of the Evaluation Committee, result in the application being disqualified. The PIC shall evaluate each applicant's property against the minimum norms and standards as set in this Policy and in the MNSSH. After the physical inspection of the property, the PIC will report its findings of the inspection to the Evaluation Panel. Each member of the Inspection Committee shall submit his or her field-specific reports with recommendations on whether or not a PSAP must be approved for student accommodation.

The PIC shall consist of the following members:

- a) The CHRL staff member
- b) Campus Security personnel
- c) The Occupational Health and Safety Practitioner
- d) SRC member/ARSC member
- e) PIMD staff member

7.2.3. Evaluation Committee

The Evaluation Committee shall be the ultimate decision making body in respect of applications made in terms of this Policy. The Evaluation Committee shall consist of the following members:

- a) The Director of CHRL (Chairperson)
- b) The CHRL Finance Manager or his/her nominee

- c) The CHRL staff member responsible for PSA
- d) Two other staff members from CHRL appointed by the Chairperson and
- e) A Wits SRC member/ ARSC member.

Having regard to the norms and standards as set in this Policy and in the MNSSH the Evaluation Committee may:

- a) Approve the application and confer the status of an APSAP
- b) Decline the application if the Applicant does not comply with the requisite requirements contained in this Policy and the MNSHH
- c) Disqualify the application for any of the grounds in Policy.

The University will communicate the outcome of an application to Applicant in writing and no other form of notification will be of any force and effect.

7.3. Declining of Applications

- a) An application is declined if the PSA does not meet the criteria set in the Policy in respect of a particular property, including the minimum norms and standards.
- b) An application may be summarily declined for failure to either provide or comply with the document requirements.

7.4. Appeals Process

An Applicant whose application has been declined may, within five (5) working days of receiving the outcome of the application, appeal the decision to the Evaluations Committee by delivering a notice of appeal and written submissions setting out the grounds of appeal.

The Appeals Committee shall consist of three members appointed by and chaired by the Dean of Student Affairs.

- a) The Appeals Committee shall regulate its own process, which may, without limiting the foregoing, include interviewing the Applicant, Requesting certain information or documents, directing the inspection of the property and directing any task necessary for the adjudication of the appeal.
- b) The Appeals Committee shall conclude the appeal as soon as is practically and reasonably possible.
- c) The Appeals Committee has the power to:
 - uphold the appeal or
 - dismiss the appeal

- substitute the outcome of the Evaluation Panel with another outcome.

The decision of the Appeals Panel is final and binding on the parties.

7.5. Suspension Of Accreditation And Disqualification Of Application For Approval

The Evaluation Committee may suspend the approval granted to a PSAP and may disqualify an application for approval brought in terms of this policy for one or more of the following grounds:

- a) supplying the University with fraudulent documentation.
- b) engaging in fraudulent activities when conducting business with the University and/or its Students.
- c) failure by the APSA to later meet the criteria set in the Policy, including the MNSSH, to the extent that it is not reasonable to expect the University to retain approval of the PSAP.
- d) the PSAP being declared insolvent or applying for business rescue proceedings.
- e) charging NSFAS students deposit when they move into a property.
- f) colluding with either students/Wits staff members to defraud the University.
- g) engaging in illegal or unethical business practices or contravenes or breaches the Policy, the MoA or other University policies
- h) APSA solicits employees of the University or students through inducements, whether monetary or otherwise to support their continued Accreditation.
- i) breaching any provision in the MoA it had entered into with the University
- j) any other reason, which, in the view of the University constitutes unconscionable conduct and/or an abuse of approval status.

The above listed grounds for suspension and disqualification shall not be deemed an exhaustive list. The University and the Evaluation Panel shall use other relevant University policies to suspend or disqualify Applicants who violate such.

VERSION HISTORY

Version	Date	Summary of changes	Changed by	Date of next review
1	June 2020	Not applicable	NA	June 2025