

# INDIGENT SUPPORT POLICY



## MHLONTLO LOCAL MUNICIPALITY

**(FOR IMPLEMENTATION ON 1 JULY 2022)**

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## DEFINITIONS

**“child headed household”** means a household where both parents are deceased and where all occupants of the property are children of the deceased and are under the legal age to contract for services;

**“household”** means as a registered owner or tenant with or without children who reside on the same premises;

**“indigent”** means any household or category of households, including a child headed household, earning a combined gross income, as determined by the municipality annually in terms of a social and economic analysis of its area, which qualifies for rebates/remissions, support or a services subsidy; provided that child support grants are not included when calculating such household income;

### **‘What is an indigent policy ‘**

Due to the level of unemployment and poverty within municipal areas, there are both households and citizens who are unable to access or pay for basic services; this grouping is referred to as the “indigent”. A municipality therefore needs to develop and adopt an indigent policy to ensure that the indigent can have access to the package of services included in the Free Basic Service programme.

**“municipality”** means the Mhlontlo Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee;

**“programme officer”** an official duly authorised by the municipality, or an employee of a service provider appointed by the municipality, who is responsible for the following:

- (a) to ensure that applications for indigent support are received and assessed;
- (b) to ensure that applications are captured on the Indigent Management System;
- (c) to ensure that information on applications are verified and that regular audits are executed; and
- (d) to authorise expenditure with regard to indigent support.

**‘occupier’** means the person who controls and resides on or controls and otherwise uses immovable property, provided that -

- (a) the spouse of the owner of immovable property, which is used by such spouse or owner as a dwelling at any time, shall be deemed to be the occupier thereof;
- (b) where both spouses reside on immovable property and one of them is an occupier thereof, the other shall also be deemed an occupier;

**‘indigent register’** means the Microsoft Access database, which has to be updated on a monthly basis, designed to contain all the inputted data contained within completed indigent application forms which contains the following key information:

- Indigent customer details
- Socio-economic details
- Skills details

In addition the indigent register is able to provide reports relating to, but not limited to the following:

- Indigent application exceptions
- Skills reporting required for LED/exit strategy
- Socio economic reporting

**'owner'**, in relation to immovable property, means -

- (a) the person in whom is vested the legal title thereto provided that -
  - (i) the lessee of immovable property which is leased for a period of not less than fifty years, whether the lease is registered or not, shall be deemed to be the owner thereof; and
  - (ii) the occupier of immovable property occupied in terms of a servitude or right analogous thereto shall be deemed the owner thereof;
- (b) if the owner is deceased, insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, then the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
- (c) if the owner is absent from the Republic or if his or her address is unknown to the municipality, then any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; or
- (d) if the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of such property;

**'premises'** includes any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
- (b) a general plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and situated within the jurisdiction of the municipality;

**'rates'** means any tax, duty or levy imposed on property by the Council;

## **INTRODUCTION**

As a developmental institution, the municipality needs to commit to supporting measures that assist and empower its community. It is accepted that large sections of the community cannot exist without intervention and it is therefore the duty of the municipality to support and to ensure that citizens are able to access their constitutional right to have access to a basic level of services.

The municipality must therefore at all times strive to fulfill the constitutional objectives as contemplated in Section 152 of the Constitution and to meet the criteria for a credible indigent policy as laid down in the Credible Indigent Policy Assessment Framework, 2008, provided by the Department of Local Government.

The successful implementation of this policy depends totally on affordability and the social analysis of the area as should be included in the municipality's IDP. With regard to affordability the foundation is laid in section 74 of the Municipal Systems Act, 2000, which stipulates that poor households must have access to basic service through tariffs that cover only the operating and maintenance costs.

The municipality therefore adopts an indigent support policy which embodies an indigent support programme not only providing procedures and guidelines for the subsidisation of service charges to indigent households in its area of jurisdiction, but also to increase the quality of life of the beneficiaries by assisting them to exit from indigence.

### **1. POLICY PRINCIPLES**

In recognition of the abovementioned National Framework the municipality undertakes to promote the following principles:

- 1.1 To ensure that the Equitable Share received annually will be utilised for the benefit of the poor only and not to subsidise rates and services charges of those who can afford to pay;
- 1.2 To link this policy with the municipality's IDP, local economic development (LED) initiatives and poverty alleviation programmes;
- 1.3 To promote an integrated approach to free basic service delivery; and
- 1.4 To engage the community in the development and implementation of this policy;

### **2.**

## **POLICY OBJECTIVES**

In support of the above principles the objective of this policy will be to ensure the following:

- 2.1 The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council;

- 2.2 The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidisation;
- 2.3 Establishment of a framework for the identification and management of indigent households including a socio-economic analysis and an exit strategy;
- 2.4 The provision of procedures and guidelines for the subsidisation of basic charges and the provision of free basic energy to indigent households;
- 2.5 To ensure co-operative governance with other spheres of government; and
- 2.6 To enhance the institutional and financial capacity of the municipality to implement the policy.

#### **Statement of Purpose**

2.7 Mhlontlo Local Municipality hereby formulates this policy of indigent management and has taken into account a number of factors, amongst which are the following:

- i. The importance of ensuring access to basic services to all people, including indigent persons in terms of the Constitution.
- ii. The desire by the Municipality to ensure that tariffs for assessment rates and services are made affordable for indigent household.
- iii. To ensure that the criteria and processes for evaluating and registering indigent household are clear and trans

### **3. THE LEGISLATIVE FRAMEWORK**

This policy is designed and implemented within the framework of the following legislation:

- The Constitution of the RSA, 1996;
- The Municipal Systems Act, 2000 (Act 32 of 2000);
- The Municipal Finance Management Act, 2003 (Act 56 of 2003);
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- The Property Rates Act, 2004 (Act 6 of 2004).

### **4. QUALIFICATION CRITERIA**

.Qualification criteria for indigent support shall be determined by the municipality from time to time, provided that until the municipality determines otherwise, the following criteria shall apply:

- 4.1 The applicant must be a resident of the municipality.
- 4.2 The applicant must be in possession of a valid South African identity document.
- 4.3 The combined or joint gross income of all occupants or dependants in a single household which receives services from the municipality may not exceed the thresholds determined by the municipality annually during consideration of the budget for the next financial year. The guideline relating to the household income threshold is an income of not less than two state pensions per month.

- 4.4 The applicant must be the owner or tenant who receives municipal services and is registered as an account holder on the municipal financial system; provided that the requirement of being registered as an account holder does not apply to households in informal settlements where no accounts are rendered nor in rural areas where no accounts are rendered.
- 4.5 Any occupant or resident of the single household referred to above may not own any property in addition to the property in respect of which indigent support is provided.
- 4.6 A tenant can apply for the benefits in respect of the charges he/she is billed for while the landlord remains liable for all ownership related charges such as rates.
- 4.7 The account of a deceased estate, may be subsidised if the surviving spouse or dependants of the deceased who occupy the property, applies for assistance.
- 4.8
- a. A household is classified as indigent i.e. where a verified total gross monthly income of all occupants over 18 years of age does not exceed the combined total of the pensions of two old age state pensioners.
  - b. The applicant and any other member of the household does not own another fixed property other than the one on which they reside.
  - c. The improved Municipal value of the property on which the household resides does not exceed an amount traditionally determined in the annual budget for concessions on assessment rates for the aged.
  - d. Documentary proof of income (e.g. a letter from an employer, salary advice, pension card, UIF card and affidavits etc) must be presented in order to qualify for an indigent subsidy.
  - e. Applicants shall be required to sign and submit a sworn affidavit, to the effect that all information supplied is true.
  - f. Special note shall be taken to any person, who supplies false information and shall be disqualified from further participation in the indigent subsidy scheme. S/he shall be liable for the immediate repayment of all subsidies received and the institute criminal proceedings as deemed necessary.
  - g. The Municipality reserves the right to send officials to premises/ households receiving relief for the purpose of conducting an on- site audit of the details supplied.
  - h. The account holder must apply in person and must present the following documents upon application:-
    - The latest Municipal account in his/her possession;
    - Account holders identity document; and
    - An application form indicating the names and identity numbers of all occupant / residents over the age of 18 years, who reside at the property.

If the application is approved, the assistance will be valid for a period of 12 months only, with no guarantee of renewal.

The onus is on account holders to re-apply for relief each year, failing which the assistance will cease automatically.

## 5. TARGETING OF INDIGENT HOUSEHOLDS

The effective targeting of indigent households and the implementation of this policy will depend largely on the social analysis included in the IDP, the LED initiatives and other poverty relief programmes of the municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households. Against the background of such socio-economic analysis, the municipality must within its financial and institutional capacity decide which targeting approach or option should be applied.

Depending on capacity the municipality may apply any or a combination of the following targeting methods:

Targeting approach	Application
1. Service levels	Lowest service levels normally in informal settlements and rural areas.
2. Service consumption	Metered services in urban and rural areas.
3. Property value	Applicable only to registered indigents in respect of subsidised or RDP housing to a value determined in addition to the R15000 in terms of the Property Rates Act, 2004.
4. Household income	Threshold determined in terms of socio-economic analysis.
5. Geographical (Zonal) targeting	Specific areas (rural or urban) where households are regarded as poor irrespective of service level.

## 6. EXTENT OF INDIGENT SUPPORT

The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

Within the abovementioned budgetary process, and in striving to create a situation where poor households will be granted access to a full social package, the following assistance and support may be granted:

### 6.1 Electricity

Each registered indigent household shall receive electricity fully subsidised to a maximum of **50 kWh** per month. This subsidy may also apply to registered indigent households in

Commented [NB1]: 75 kwh



rural areas where the municipality is the electricity supplier while agreements with Eskom, where the latter is the supplier, may be negotiated to support such households.

**6.2 Refuse removal**

Each registered indigent household shall be fully subsidised for refuse removal as provided for in the annual budget.

**6.3 Property Rates**

Each registered indigent household shall be subsidised for property rates as provided for in the annual budget and subject to the provisions of the Municipal Property Rates Act, 2006.

**6.4 Tariffs after Registration**

- a) The Municipal Manager shall establish each year a select committee to determine the tariffs for the consumption of services. Such committee shall include but not limited to the CFO.
- b) Depending on the particularity and severity of each case households registered as indigent shall receive no less than a 50% rebate on the monthly services account.

**6.5 Rental (Dwellings and Sites)**

100% subsidy will be granted to indigent households in respect of all dwellings or sites belonging to the municipality;

**6.6 Burials**

In the event of the death of a member of an indigent household, the municipality may exempt the household from the cost of digging and preparation of a grave, provided that the burial takes place in a municipal cemetery.

**6.7 Transfer of properties**

In the event of the death of the title holder of a property in an indigent household, the municipality may enter into agreements with local attorneys, the Legal Aid Board or the provincial law society for the administration of the estate and the transfer of the property into the name of the successor at the lowest possible cost.

**6.8 Food security**

Where the need exists, the municipality may enter into agreements with registered non-profitable organisations to establish soup kitchens or other forms of food supply.

**6.9 Education**

The municipality may, upon application by a school hostel where accommodation is provided for school-going children from rural and urban areas, consider the subsidisation of a percentage of the monthly municipal account.

### 6.11 Basic Energy

Indigent households in informal settlements where limited or no electricity is available, may be provided with alternative energy sources including, but not limited to: paraffin(20l), fire gel, liquefied petroleum gas, etc., provided that procurement of service providers or services shall be subject to the Supply Chain Management regulations of the municipality and that the support given does not exceed the level of support given to other indigent households. Penalties as per the tariff policy must be applied to those individual households that has got electricity but still enjoy this service.

Commented [NB2]: 25 litres

## 7. INDIGENT HOUSEHOLDS IN RETIREMENT CENTRES AND OLD AGE HOMES

Indigent consumers living in retirement Centre's or old age homes shall be eligible to qualify for assistance and support in terms of this policy, subject to the following rules and procedures:

- 7.1 The onus will be on the Board of Trustees/Managing Agent (hereinafter referred to as the representative) to apply to the municipality, for indigent status to be granted in respect of water consumption on behalf of the owners of those units, who meet the criteria and conditions for qualification.
- 7.2 The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect property rates and related charges.
- 7.3 The representative will submit applications to the Chief Financial Officer.
- 7.4 The Program me Officer must verify all applications and he or she must notify:
  - 7.4.1 The representative, whether an application was successful or not, with regard to the water consumption; and
  - 7.4.2 The unit owner whether an application was successful or not, with regard to the property rates and other related charges.
  - 7.4.3 The Chief Financial Officer will credit the monthly municipal:-
    - 7.4.3.1 Water account of the Retirement Centre or Old Age Home with water and sewerage charges, the amount of which will be calculated by dividing the total number of kilolitres of water consumed by the number of units in the complex, but up to a maximum of 200 liters of water per day for each unit that qualifies for assistance.
    - 7.4.3.2 General rates and refuse charges account of the unit owner with the full amount charged.
    - 7.4.5 The representative must, in respect of monthly water credits allowed under indigent support, ensure that such credits are off-set against the monthly levies of the relevant individual units; such representative also being required, once every six months, or at such intervals as may be determined by the municipality, to provide proof to the Chief Financial Officer that the monthly levies of poor households which qualify for

assistance, have been adjusted by the amounts credited to the account of the Retirement Centre or Old age Home.

## **8. ASSISTANCE PROCEDURES**

### **8.1 Communication**

The municipality must develop a communication strategy in terms of which communities will be informed and educated in order to have a clear understanding of this policy and its implementation. Regular information dissemination and awareness campaigns must be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as service delivery in general and methods of communication may include, but will not be limited to:

- 8.1.1 Ward committees;
- 8.1.2 Traditional leaders, where applicable;
- 8.1.3 Community based organisations;
- 8.1.4 Local radio stations and news papers;
- 8.1.5 Municipal accounts;
- 8.1.6 Imbizo's and road shows; and
- 8.1.7 Jamborees where government and municipal officials are made available to assist residents with applications such as ID applications, pension- and social grant applications, etc.

#### **8.1.8. Communication**

All new registrations and de-registration from the register shall be communicated by the Free Basic Services Office to the following Heads of Departments:

1. Finance (Revenue Office): So that the concessions on tariffs and arrears can be initiated or cancelled.
2. Community Services (refuse): So that the technical assistance can be given to make more affordable consumption possible.

### **8.2 Institutional arrangements**

The municipality must designate existing staff or appoint officials, or engage properly Community Development Workers who have been trained in terms of the municipality's directions to assist with the implementation and development of this policy and must establish appropriate registration points in its area, the cost of which may be funded through the equitable share allocation.

### **8.3 Funding**

The services to the indigent shall be subsidized from the resources of the municipality (if available) including the equitable share. The Municipality shall budget for this subsidy.

#### **8.4 Application/Registration**

A person applying for indigent support must complete a formal indigent support application form approved by the municipality. Such forms will be available at approved registration points provided by the municipality and shall be dealt with in terms of the Procedures Manual.

#### **8.5 Applications**

The member of a private household who is responsible for the payment of services and / or the Assessment rates account may apply for that household to be registered as indigent.

Such applications shall be evaluated by the Head of Social Services, which involves approaching the relevant ward councilors for assistance in the more difficult cases

#### **8.6 Assessment & Screening of Applicants**

Upon registration of an application, all information must be verified by the Programme Officer in terms of the Procedures Manual as per Appendix 1.

#### **8.7 Recommendation**

Once the verification has been completed the Indigent Management System must generate a recommendation based on the information captured in the database and shall be dealt with in terms of the Procedures Manual.

#### **8.8 Right of appeal**

An applicant who feels aggrieved by a decision taken in respect of his or her application may lodge an appeal in terms of section 62 of the Municipal Systems Act, 32 of 2000.

### **9. PROCESS MANAGEMENT**

#### **9.1 Applications**

With the exception of Property and Zonal Targeting the indigent application form should be completed in full and then captured onto the relevant indigent register and accounting system.

#### **9.2 Validity period**

The validity period of assistance will be for the duration that the applicant remains indigent. Households, in terms of the audit and review process, will be subjected to scrutiny to determine any change in status. Households may have to periodically re-apply, but this would be determined by the municipality from time to time

#### **9.3 Re-evaluation**

All indigent households that have been on the register for six months or more shall be re-evaluated annually by the Free Basic Services Section

#### **9.3 Death of Registered Applicant**

In the event that the approved applicant passes away the heir/s of the property must re-apply for indigent support, provided that the stipulated criteria are met.

#### **9.4 Publication of Register of Indigent Households**

Names of indigent beneficiaries must be open for public perusal and comment. Written objections from the public must be referred to the Programme Officer who will be responsible for investigating the validity of the complaint and referral to the Indigent Committee for appropriate action.

#### **9.5 Arrears and excess usage of allocations**

- 9.5.1 Upon registration as an indigent household, the arrears on the account of the applicant will be kept pending for a period of at least six months after which it may be written off.
- 9.5.2 No interest may be calculated on the arrears as contemplated in 10.4.1.
- 9.5.3 If the applicant exits from the indigent support programme within the six months period in 10.4.1, the arrears will be re-introduced in the account and will be subject to the credit control and debt collection policy of the municipality;
- 9.5.4 Where an indigent household exceeds the water consumption level approved by the Municipality, the supply may be restricted.

#### **9.5.5 Arrears and Credit Control**

- c) No interest shall be calculated on the arrears of consumers who are registered as indigent in terms of this policy.
- d) No credit control measures shall be taken against a registered indigent household for as long as their discounted monthly levies are paid in full every month.
- e) Subject to the conditions specified in the policy, other sections except interest in the Credit Control Policy shall also be applicable to the indigent.

#### **9.6 Termination of Indigent Support**

Indigent Support will be terminated under the following circumstances:

- 9.6.1 upon death of the account-holder or the head of the household where no accounts are rendered.
- 9.6.2 at the end of the 12 months cycle, except in the case of pensioners and child-headed households.
- 9.6.3 upon sale of the property in respect of which support is granted.
- 9.6.4 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded..
- 9.6.5 If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply:
  - 9.6.5.1 All arrears will become payable immediately;
  - 9.6.5.2 Stringent credit control measures will apply; and
  - 9.6.5.3 The applicant will not be eligible to apply for indigent support for a period of 2 years.

#### **9.7 Audit and review**

The municipality may conduct regular audits of the indigent register with regard to the information furnished by applicants, possible changes in status, the usage of allocations and

debt collection measures applied and where necessary review the status of applicants. The frequency of such audits will depend on the institutional capacity of the municipality to do so. It is proposed that at least monthly targeted audits and reviews are undertaken, with a complete review scheduled for at least every 5 years.

### **9.8 Exit Programme.**

Members of households registered as indigent must be prepared to participate in exit programmes co-ordinated by the municipality in collaboration with other government departments and the private sector.

As part of its broader poverty reduction programme the municipality undertakes to provide for the participation and accommodation of indigent persons in its local economic development (LED) initiatives and in the implementation of integrated development programmes where possible.

The municipality must promote exit from indigence by -

- 9.8.1 Identifying indigents for inclusion in public works projects;
- 9.8.2 Initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;
- 9.8.3 Facilitation of opportunities to enter the informal trade market;
- 9.8.4 Facilitation of food security projects; and
- 9.8.5 Liaison with National and Provincial departments to include indigent persons in their public works programmes.

## **10. MONITORING AND REPORTING**

10.1 The Chief Financial Officer must report monthly to the Municipal Manager via the municipality's Service Delivery and Budget Implementation Plan to enable the Municipal Manager to report to Council and other interested parties. Such report shall reflect on:

- 10.1.1 Number of indigent households applications received;
- 10.1.2 Amount of subsidy allocated per benefit category;
- 10.1.3 Amount of debt accumulating and debt recovery information (number of customers; enquires; default arrangements; growth or diminishing of arrear debtors; ideally divided into wards, domestic, state, institutional and other such divisions);
- 10.1.4 Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:
  - 10.1.4.1 Number of applications for indigent support dealt with;
  - 10.1.4.2 Time taken to process and finalise applications;
  - 10.1.4.3 Site visits undertaken;
  - 10.1.4.4 Awareness initiatives; and
  - 10.1.4.5 Exit initiatives.

10.1.5 Changes in the registered status of indigents

**10.1.6** The Free Basic Services Section shall keep and monitor a complete register of registered indigent Household.

**10,1,7 Debtors Management`**

- a) The Chief Finance Officer shall be responsible for the collection of debts, including the debts of private household debtors.
- b) The personal evaluation of private households in arrears may reveal non-registered indigent households that have to be registered, as well as currently registered indigent households that have to be de-registered due to changed circumstances.

The Chief Finance Officer shall refer these cases to the Head of Social Services

**11. CAPACITY BUILDING**

11.1 The municipality must ensure that all officials and councillors are appropriately capacitated in Free Basic Services in terms of the following key areas:

- Database management
- Demand and revenue management
- Policy and by-law implementation

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Mayor

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Municipal Manager