

**RAYMOND MHLABA  
LOCAL MUNICIPALITY**

**INDIGENT POLICY**

**RAYMOND MHLABA MUNICIPALITY  
INDIGENT SUPPORT POLICY**

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## DEFINITIONS

**“Act”** The Local Government: Municipal Systems Act, 32 of 2000 as amended from time to time.

**“Council”** The municipal Council of the Raymond Mhlaba Local Municipality or any duly authorised Committee or official of the said Council.

**“Household Income”** All sources of income, being formal and/or informal in nature including, but not limited to salaries, revenue generated, pensions, state subsidies and or grants, private financial support/contributions from outside the indigent household.

**“Gross Households Income”** The combined or joint of all occupants / residents / dependants in the Indigent household

**“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;

**“Indigent Policy”** The policy for the provision of indigent support subsidies to qualifying indigent debtors in terms of the Council’s policy relating to the following.

- Electricity;
  - Refuse collection;
  - Housing rentals; and
- Assessment rates on residential property

**“indigent household”** Includes all individuals residing at the residential premises of the indigent debtor, inclusive of destitute indigents and indigents, **by whom and for which an application is made, which premises has access to municipal services.**

**“indigent Debtor”** Is the head of an indigent household, inclusive of destitute indigents and indigents, being old age pensioners, the unemployed and households with a total monthly income as specified in this policy:

- Who applies for the provision of services from the Municipality
- Who makes application for indigent support in terms of this policy
- Who shall be regarded as the representative of all members of his/her household

**Which indigent household members shall not own any other fixed property other than the property for which the application is made 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; A household is classified as indigent i.e. where 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

**“Indigent Management System”** an electronic management system applied by Municipality for the management of the register of indigent households;

**"municipality"** means the 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, Raymond Mhlaba Local Municipality is committed in 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. INDIGENT POLICY PRINCIPLE

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

- 1.1.1 **To ensure that the Equitable Share received annually will be utilised for the benefit of the poor only and not to subsidize rates and services charges of those who can afford to pay;**
- 1.1.2 To promote an integrate approach to free basic service delivery, by ensuring that poor households are not denied their Constitutional right of access to basic services, the Municipality shall adopt, implement and enforce an indigent support programme providing procedures and guidelines for the subsidisation of service charges to indigent households.
- 1.1.3 The indigent support policy is intended to provide poor households ongoing access to a minimum, nationally specified level of service. The subsidies contained in the policy should not compromise the quality or efficiency of service delivery.
- 1.1.4 **To link this policy with the municipality's IDP, local economic development (LED) initiatives and poverty alleviation programmes;**
- 1.1.5 To engage the community in the development and implementation of this policy;

## 2. INDIGENT POLICY OBJECTIVE

In support of the above principles the aim / purpose 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 Raymond Mhlaba Municipality;**
- 2.2 **The indigent support policy should complement and be an integral part of the Municipalities Tariff Policy that is developed and implemented in a transparent manner to ensure the sustainability of local public service to all of its citizens at an affordable cost.**
- 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.

## 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. DETERMINATION OF POOR HOUSEHOLDS & THE ROLE OF COUNCIL

In order to determine the number of households in the Raymond Mhlaba municipal area who would qualify for indigent support, the Municipal Manager shall on an annual basis, to coincide with the annual budgeting process but not later than the 31 January of each year, invite applications from the indigent households requesting information that will enable the Municipality to make adequate financial provision in its budget to subsidise the poor in terms of its indigent policy.

- 4.1.1 It is a qualifying requirement that all consumers applying for an indigent subsidy will have to complete and return the prescribed application form within the stipulated time limited, as may be determined by Council from time to time.**
- 4.1.2 Councillors of Municipalities, through their Ward Committees, are expected to play an active role in explaining the indigent subsidy and encouraging households who qualify to apply for the indigent subsidy and to pay their current account.**
- 4.1.3 The Municipality shall appoint a committee to be known as the Indigent Support Committee, or in the absence of the committee the Municipal Manager be for the purpose of administering its indigent support programme, this committee / Municipal Manager shall:**
- 4.1.4 Analyze, with the support of Ward Councillors, all applications received for indigent support in terms of the Municipalities indigent support programme;**
- 4.1.5 Recommend to the Municipality that any application received in terms of section 4 either be approved or rejected;**
- 4.1.6 Monitor, in conjunction with Ward Councillors, Ward Committees, FBS Supervisors and other persons or organisations it may appoint, the implementation of the indigent support programme, subject to the policy directions of the Municipality and in consultation with the Municipal Manager;**
- 4.1.7 Take suitable action, as may be directed by the Council, against debtors who contravene the provisions of this policy;**
- 4.1.8 Recommend to the Municipality any amendments, additions or altered procedures in respect of the application of the Municipality's indigent support programme;**
- 4.1.9 Undertake such inspections and issue such instructions as it may deem necessary, in order to verify the information provided by any indigent debtor;**
- 4.1.10 Perform such other duties as the Municipality may direct, provided that the Municipality may delegate any of its responsibilities in terms of this policy and its indigent support programme to the committee either wholly or in part and subject to such conditions as it may determine.**

## **4.2 TRANSPARENCY INDIGENT REGISTER**

- 4.2.1 For the purpose of transparency, the Municipal Manager through the office of Chief Financial Officer [CFO] shall maintain a database, containing**
  - a. the names of indigent debtors receiving indigent relief for a prescribed period**
  - b. The Erf or stand numbers where services are rendered to recipient indigent debtors;**
  - c. The number of dependants residing on the property of the recipient indigent debtor.**
  - d. This list shall be available for public scrutiny and must be updated annually.**

## 5. QUALIFICATION CRITERIA

Qualification criteria for indigent support shall be determined by the municipality from time to time, the responsibility for applying for an indigent support / subsidy rests with the consumer who cannot afford to pay the full municipal tariff for services rendered. The following documentary proof has to accompany the Indigent application Form

- a. **The applicant must be a resident of Nkonkobe municipality.**
  - b. **The applicant must be in possession of a valid South African identity document.**
  - c. **Latest municipal account / Valuation roll confirmation / proof of ownership**
  - d. **Documentary proof of total monthly income of the households [Salary advice, certified copy of pension card, letter from the employer, Bank Statement, all pay slip]**
  - e. **A sworn affidavit to the effect that all information supplied is true and that income from all sources has been declared.**
  - f. **In Addition, a recommendation by a Ward Councilor by signing the applicants application form.**
- 5.1 The Municipality must be satisfied that the single household cannot afford to pay for the services provided to it by the Municipality; verification status report be done by visiting the applicants to verify the correctness of the information provided on the application form.
  - 5.2 **The combined gross income of all occupants or dependants in a single household which receives services from the municipality may not exceed the threshold income of not less than two state pensions per month.**
  - 5.5 **The applicant must be the owner of one property who receives municipal services and is registered as an account holder in the municipal financial system, and the applicant cannot have two or more properties registered in his / her name in order to qualify 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.**
  - 5.6 **All households applying for Free Basic Electricity must have electricity connected to the households**
  - 5.7 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.
  - 5.8 **The account of a deceased estate, may be subsidised if the surviving spouse [Child Headed] or dependants of the deceased who occupy the property, applies for assistance.**
  - 5.9 Indigent household must re apply for the indigent support every [12 months] though state pensioners and disabled beneficiaries need not to re – apply for the support
  - 5.10 **An indigent customer must immediately request de – registration if his / her status has changed or if out of verification processes it was discovered that the information submitted was incorrect as per the status to the extent he / she no longer complies with the requirements set out in the definition of indigent**
  - 5.11 **The re – application for Indigent support will not be approved if the consumers account for services is in arrears or not paid up to date whilst the status was in affordable status according to the Credit control and Debt Collection by – laws.**

5.12 Applicants will be informed in writing about the outcome of their applications and the validity of the assistance which also include the date of commencement and termination of the assistance. In the language that is foremost used in the area.

**6. SOURCE OF FUNDING**

- a. Raymond Mhlaba Municipality will provide funds annually on the budget for the subsidization of indigent Households for Rates, Refuse Removal, and Electricity
- b. The indigent subsidies will have to be financed from the Equitable Share Allocation / contribution to the municipality obtained from national Treasury
- c. Existing indigent arrears on services charges will be written off against the provision for bad debts

**7. 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 R35 000 in terms of the Property Rates Act, 2004.
4. Household income	All sources of income, being formal and/or informal in nature including, but not limited to salaries, revenue generated, pensions, state subsidies and or grants, private financial support/contributions from outside the indigent household.
5. Geographical (Zonal) targeting	Specific areas (rural or urban) where households are regarded as poor irrespective of service level.

**8. 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. **The level of indigent support granted by Raymond Mhlaba Municipality shall not exceed the monthly billings to the accounts of indigent's debtors. Such under credits are off – setting against the monthly levies of the relevant individual account** 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:

## **8.2 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 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

## **8.3 Refuse removal**

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

## **8.4 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

## **9. INDIGENT HOUSEHOLDS IN RETIREMENT CENTRES AND OLD AGE HOMES**

Indigent consumers living in retirement centres 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:

- 9.1 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 services consumed on behalf of the owners of those units, who meet the criteria and conditions for qualification.
- 9.2 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.
- 9.3 The representative will submit applications to the Chief Financial Officer.
- 9.4 The Programme Officer must verify all applications and he or she must notify:
  - 9.4.1 The representative, whether an application was successful or not, with regard to the service consumption; and
  - 9.4.2 The unit owner whether an application was successful or not, with regard to the property rates and other related charges.
  - 9.4.3 General rates and refuse charges account of the unit owner with the full amount charged.

## **10. ASSISTANCE PROCEDURES**

### **10.1 Communication**

The municipality has to 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.

The information dissemination and awareness campaigns can 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:

- 10.1.1 ward committees;
- 10.1.2 traditional leaders, where applicable;
- 10.1.3 community based organisations;
- 10.1.4 municipal accounts;
- 10.1.5 IDP road shows
- 10.1.6 Appointed FBS Supervisors and village data collectors will do door to door registration to assist residents with filling in the application forms and the importance of applying for indigent subsidy

## **10.2 Institutional arrangements**

The municipality has designate existing staff, appointed FBS Supervisors and casuals, who have been trained in terms of the municipality's directions to assist with the implementation of this policy and the cost of this are being funded through the equitable share allocation. And also with the assistance of Ward Councilors.

## **10.3 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 with the FBS Supervisors appointed by the municipality and shall be dealt with in terms of the policy guidelines.

## **10.4 Assessment & Screening of Applicants**

Upon registration of an application, all information will be captured and verified by the free basic services section in terms of the procedures vested in the municipal indigent policy and on the indigent national indigent guidelines provided by the National Department of Cooperatives Government and Traditional Affairs

## **10.5 Recommendation**

Once the form has been captured on the Municipal Indigent Database and verification has been completed the Indigent Management System will generate a recommendation based on the information captured in the database and shall be dealt with in terms of the municipal indigent management system guidelines

## **10.6 Right of appeal**

An applicant who is the registered household owner living within the municipal jurisdiction and therefore feels aggrieved by a decision taken in respect of his or her application may lodge an appeal to the Municipal Manager within 21 days of the date of the notification of the decision in terms of section 62 of the Municipal Systems Act, 32 of 2000.

# **11. FREE BASIC SERVICES PROCESS MANAGEMENT**

## **11.1 Applications**

With the exception of Property and Zonal Targeting the indigents, free basic services applications should be completed in full with all the attachments mentioned on the

form and then captured onto the indigent register and billing accounting system will be conducted accordingly against the budgeted amount for free basic services each year.

### **11.2 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 any changes in status

**All the pensioners and disabled applicants will be carried over to the next financial year, hence no re – registration will be conducted to them, only unemployed, employed earning less than the two state pension grant income and the child headed families re – registration will be conducted as their economical and living status is subjected to change from time to time.**

### **11.3 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 as per the municipal indigent policy.

### **11.4 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 CFO who will be responsible for investigating the validity of the complaint and referral to the Municipal Manager for appropriate action.**

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

11.5.1 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. No interest may be calculated on the arrears as contemplated in 11.5.1.

**11.5.2 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;**

**11.5.3 Where an indigent household exceeds the electricity consumption level approved by the municipality, verification must apply and the supply of electricity must be restricted**

## **12. TERMINATION OF INDIGENT SUPPORT**

Indigent Support will be terminated under the following circumstances:

- 12.1 Upon death of the Indigent / account-holder / the head of the household where no accounts are rendered. And if the indigent had dependants the dependants will need to re – apply for the support as subsidies are not transferable**
- 12.2 At the end of the 12 months cycle, except in the case of pensioners and disabled**
- 12.3 Upon sale of the property and disposes his/her property in respect of which support is granted.**
- 12.4 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.**
- 12.5 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:**
  - a. All arrears will become applicable and be payable immediately**
  - b. Strict credit control measures will apply**
  - c. The Applicant will not be eligible to apply for indigent support for a period of 2 years**

## **13. TAMPERING CHARGES**

If the indigent tampers with the prepaid meter system the following are tampering charges that will be charged and these tariffs increases yearly:

### **1. ELECTRICITY**

**First Attempt R1500.00**

**Second Attempt R2500.00**

**Third Attempts R4000.00**

**Fourth Attempt permanently disconnected from the electricity supply**

## **14. 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 Nkonkobe 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.

## **15. 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 meaning continuous verification of the register. 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. Raymond Mhlaba Local Municipality will promote exit from indigence by –

- 14.1 identifying indigents for inclusion in public works projects;
- 14.2 initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;
- 14.3 facilitation of opportunities to enter the informal trade market;
- 14.4 liaison with National and Provincial departments to include indigent persons in their public works programmes.

## **16. MONITORING AND REPORTING**

- 16.1 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:

- 16.1.1 **Number of indigent households applications received;**
- 16.1.2 **Amount of subsidy allocated per benefit category;**
- 16.1.3 **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);**
- 16.1.4 **Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:**
  - 16.1.4.1 Number of applications for indigent support dealt with;
  - 16.1.4.2 Time taken to process and finalise applications;
  - 16.1.4.3 Site visits undertaken;
  - 16.1.4.4 Awareness initiatives; and
  - 16.1.4.5 Exit initiatives.
  - 16.1.4.6 Changes in the registered status of indigents.

## **17. CAPACITY BUILDING**

- 17.1 The municipality will 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

## **18. CONCLUSION**

Granting of an indigent subsidy shall be the sole prerogative of council whose decision shall be final. A Free Basic Services policy should be seen as a revenue protection mechanism for Raymond Nhlaba Municipality to protect its revenue, the Indigent Support policy must be applied consistently. Political support and community participation is important in implementation the Free Basic Services Policy