

# **MASILONYANA LOCAL MUNICIPALITY**



## **PRINCIPLES AND POLICY ON INDIGENT CONSUMERS (DRAFT)**

**(FOR IMPLEMENTATION ON 1 JULY 2016)**



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## MASILONYANA MUNICIPALITY PRINCIPLES AND POLICY ON INDIGENT CONSUMERS

### 1. 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 , and contributes towards the consumption of services .

**“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;

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

**“municipality”** means the **Masilonyana Municipality**, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, Councillor, 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, councillor, 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 electronic database, which has to be updated on a monthly basis, designed to contain all the inputted data contained within completed indigent application forms and which contains detail regarding the applicant’s personal and socio-economic details;



- a. **"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); or
- 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;

## 2. INTRODUCTION

- 2.1 The Municipal Council must give priority to the basic needs of the community, promote the social and economical development of the community and ensure that all residents and communities in the municipality have access to at least the minimum level of basic municipal services in terms of Section 152(1) (b) and 153(b) of the Constitution.
- 2.2 Basic services are generally regarded to be access to electricity, access to clean water within a reasonable distance of one's dwelling, basic sanitation, solid waste removal and access to and availability of roads.



- 2.3 The Constitution recognises Local Government as a distinct sphere of Government and as such also entitles Local Government to a share of nationally raised revenue, which will enable it to perform their basic function of providing essential services to the community within their boundaries.
- 2.4 The key purpose of an indigent subsidy policy is to ensure that households with no or lower income are not denied a reasonable service, and on the contrary the Municipality is not financially burdened with non-payment of services. Provided that grants are received and funds are available, the indigent subsidy policy should remain intact.
- 2.5 To achieve the purpose it is important to set a fair threshold level, and then to provide a fair subsidy of tariffs.
- 2.6 The consumer, in order to qualify as an indigent, needs to complete the necessary documentation as required and agree to regulations and restrictions stipulated by Masilonyana Municipality.

### **3. PURPOSE OF THE POLICY**

- 3.1 The purpose of this policy is to ensure that the subsidy scheme for indigent households forms part of the financial management system of Masilonyana Municipality and to ensure that the same procedure is followed for each individual case.

### **4. POLICY PRINCIPLES**

- 4.1 It is against the above background that the municipality undertakes to promote the following principles:-
- 4.1.1 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;
- 4.1.2 To link this policy with the municipality's Integrated Development Plan (IDP), Local Economic Development (LED) initiatives and poverty alleviation programmes;
- 4.1.3 To promote an integrated approach to free basic service delivery; and
- 4.1.4 To engage the community in the development and implementation of this policy.

### **5. POLICY OBJECTIVES**

- 5.1 In support of the above principles the objectives of this policy will be to ensure the following:-



- 5.1.1 The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council;
- 5.1.2 The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidisation;
- 5.1.3 Establishment of a framework for the identification and management of indigent households including a socio-economic analysis and an exit strategy;
- 5.1.4 The provision of procedures and guidelines for the subsidisation of basic charges and the provision of free basic energy to indigent households;
- 5.1.5 To ensure co-operative governance with other spheres of government; and
- 5.1.6 To enhance the institutional and financial capacity of the municipality to implement the policy.

## **6. LEGISLATIVE FRAMEWORK**

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

- 6.1.1 The Constitution of the RSA, 1996;
- 6.1.2 Local Government Municipal Systems Amendment Act, 2003, Act No 44 of 2003;
- 6.1.3 The Local Government Municipal Finance Management Act 2003, Act no 56 of 2003;
- 6.1.4 The Promotion of Administrative Justice Act, 2000, Act no 3 of 2000;
- 6.1.5 The Promotion of Access to Information Act, 2000, Act no 2 of 2000; and
- 6.1.6 The Local Government Municipal Property Rates Act, 2004, Act no 6 of 2004.

## **7. QUALIFICATION CRITERIA**

7.1 Qualification criteria for indigent support shall be determined by the municipality from time to time, provided that until the Masilonyana Local Municipality determines otherwise, the following criteria shall apply:-

- 7.1.1 The applicant must be a resident within the Masilonyana municipal area.
- 7.1.2 The applicant must be in possession of a valid South African identity document.



- 7.1.3 The total monthly income of all occupants on the property is not more than an amount as determined by Council from time to time. This amount will be determined at the beginning of every financial year and will be applied for the duration of that particular financial year. For the 2016/2017 financial year the criteria is proposed to be:-
- 7.1.3.1 The total gross income of all occupants is less or equal to R3 000.00 per month.
- 7.1.3.2 In the case of pensioners, the income amount is deemed to be less or equal to the amount received by two state pensioners.
- 7.1.3.3 In the case of pensioners with a threshold of R1 410 determined by government that income will not be regarded as income
- 7.1.4 A person or any other occupier of the property concerned must submit proof or declare under oath that all occupants over 18 years of age had no income or a verified total gross monthly income of less than the amount indicated in terms of the definitions above for the preceding three consecutive months.
- 7.1.5 The applicant must be the owner or who receives municipal services and is registered as an account holder on the municipal financial system;
- 7.1.6 Any occupant or resident of the single household referred to above may not own more than one property in addition to the property in respect of which indigent support is provided.
- 7.1.7 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. The indigent support to include conveyance fees, in estate cases where the remaining beneficiaries cannot afford to pay for such.

## **8. ASSISTANCE PROCEDURES**

### **8.1 Communication**

- 8.1.1 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:-



- 8.1.1.1 Ward committees;
- 8.1.1.2 Community based organisation,
- 8.1.1.3 Local radio stations and news papers;
- 8.1.1.4 Municipal accounts;
- 8.1.1.5 Imbizo's and road shows; and
- 8.1.1.6 Jamborees where government and municipal officials are made available to assist residents with applications such as ID applications, pension- and social grant applications, etc.

## **8.2 Institutional Arrangements**

- 8.2.1 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 Application/Registration**

- 8.3.1 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 Procedure Manual.

## **8.4 Assessment & Screening of Applicants**

- 8.4.1 Upon registration of an application, all information must be verified by the Programme Officer in terms of the Procedure Manual.

## **8.5 Recommendation**

- 8.5.1 Once the verification has been completed the Programme Officer must generate a recommendation based on the information captured in the database and shall be dealt with in terms of the Procedure Manual.

## **8.6 Debt and Revenue Committee**





8.6.1 An Debt and Debt Committee comprising of designated officials and councillors, preferably ward councillors, must be established for the purpose of consideration and finalisation of applications received.

8.6.2 The Debt and Revenue Committee must meet regularly, but at least once per month.

8.6.3 The Debt and Revenue Committee must consider each recommended application; assess it in terms of the application and any other knowledge or information which members may have in respect of the applicant.

8.6.4 The Debt and Revenue Committee must monitor, in conjunction with ward councillors, ward committees 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.

## 8.7 Right of Appeal

8.7.1 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, Act no 32 of 2000.

## 9. THE EXTENT OF INDIGENT SUPPORT

### 9.1 Introduction

9.1.1 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.

9.1.2 Within the above mentioned budgetary process and in striving to create the situation where poor households will be granted access to a full social package, assistance and support may be granted as set out below.

### 9.2 Electricity or Alternative Energy

9.2.1 All registered indigents, including consumers in the rural areas, will receive 50 kWh of electricity per month fully subsidised or an amount to be determined by Council on an annual basis.

9.2.2 Unused free electricity units will not be carried over to the next month. Any meter tampering will result in the subsidisation to be withdrawn. In the event of the electricity supplied by Eskom directly the municipality will pay over an amount to Eskom equal to 50 kWh of electricity per month based on the consumers registered with the



Masilonyana Municipality as indigents and not based on any indigents records submitted by Eskom.

**9.2.3** ONLY registered indigents on Masilonyana municipality's indigent register will receive 50kWh supplied by Eskom and supplied by the municipality

**9.2.4** Procurement of service providers or services in respect of alternative energy sources shall be subject to the Supply Chain Management regulations of the municipality and the support given shall not exceed the level of support given to other indigent households. Unused subsidy will not be carried over to the next month.

### **9.3 Refuse Removal**

9.3.1 All registered indigents shall be fully subsidised for refuse removal as determined and provided for by Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.4 Water**

9.4.1 All registered indigents will receive 6 kilolitres of water per month fully subsidised or an amount as determined and provided for by the Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.5 Sanitation**

9.5.1 All registered indigents shall be fully subsidised for sewerage services as determined and provided for by the Council in the annual budget from time to time. The subsidy shall not be more than the applicable tariff for that year and will be applied for the duration of that particular financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

### **9.6 Property Rates**

9.6.1 All registered indigents shall be fully subsidised for the payment of property rates provided for by Council in the annual budget from time to time and subject to the provisions of the Municipal Property Rates Act. The subsidy shall not be more than the applicable tariff for that year, and will be applied for the duration of that particular



financial year. The subsidy shall form part of the tariff policy applicable for the financial year.

#### 9.7 Burials

9.7.1 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.

#### 9.8 Rentals

9.8.1 Not applicable to the municipality

### 10. TARGETING OF INDIGENT HOUSEHOLDS

10.1 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 Masilonyana 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.

10.2 The Municipality may apply the following targeting methods:-

Targeting approach	Application
1. Service levels	Lowest service levels normally in informal settlements and rural areas.
2. Property value	Applicable only to registered indigents in respect of subsidised or RDP housing to a value determined in addition to the R15 000 in terms of the Property Rates Act, 2004.
3. Household income	Threshold shall be determined in terms of socio-economic analysis equalling not more than an annual amount determined by Council or in the case of pensioners equalling two state pension grants per Indigent household.
4. Geographical (Zonal) targeting	Specific areas (rural or urban) where households are regarded as poor irrespective of service level.

10.3 For the 2015/2016 financial year the municipality will use household income as the targeting approach for the registration of indigent consumers.



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

11.1 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:-

11.1.1 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 electricity and water consumption on behalf of the owners of those units, who meet the criteria and conditions for qualification.

11.1.2 The representative will submit applications to the Chief Financial Officer.

11.1.2.1 The Programme Officer must verify all applications and he or she must notify the representative, whether an application was successful or not, with regard to the electricity and water consumption.

11.1.3 The Chief Financial Officer will credit the monthly municipal:-

11.1.3.1 Electricity account of the Retirement Centre or Old Age Home with electricity charges. The amount will be calculated by multiplying the number of units that qualify for assistance with 50 kWh per unit.

11.1.3.2 Water account of the Retirement Centre or Old Age Home with water charges. The amount will be calculated by multiplying the number of units that qualify for assistance with 10kl water per unit.

11.1.4 The representative must, in respect of monthly electricity and 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 at intervals as may be determined by the municipality, to provide proof to the Chief Financial Officer that the monthly levies of indigent households which qualify for assistance, have been adjusted by the amounts credited to the account of the Retirement Centre or Old age Home.

## **12. PROCESS MANAGEMENT**

### **12.1 Applications**

12.1.1 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.



### **Validity Period**

12.1.2 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.

### **12.2 Death of Registered Applicant**

12.2.1 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.

### **12.3 Publication of Register of Indigent Households**

12.3.1 Names of indigent beneficiaries must be open for public perusal and comment.

12.3.2 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 Debt and Revenue Committee for appropriate action.

### **12.4 Arrears and Excess Usage of Allocations**

12.4.1 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.

12.4.2 No interest may be calculated on the arrears.

12.4.3 If the applicant exits from the indigent support programme within the six months period, the arrears will be re-introduced in the account and will be subject to the credit control and debt collection policy of the municipality.

12.4.4 Where restriction of consumption applies to a particular service, applicants may not refuse to be restricted in terms of Council policy. Where restrictions are not possible the account holder will be responsible for the consumption in excess of the approved subsidy.

### **12.5 Termination of Indigent Support**

12.5.1 Indigent Support will be terminated under the following circumstances:-

12.5.1.1 Upon death of the account-holder or the head of the household where no accounts are rendered.



12.5.1.2 At the end of the 12 months cycle, except in the case of pensioners and child-headed households. In the event of the municipality not enforcing annual registration the validity period of assistance will be for the duration that the applicant remains indigent.

**12.5.1.3 Upon sale of the property in respect of which support is granted.**

12.5.1.4 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.

12.5.1.5 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:-

- All arrears will become payable immediately;
- Stringent credit control measures will apply; and
- The applicant will not be eligible to apply for indigent support for a period of five (5) years.

## **12.6 Audit and Review**

12.6.1 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 three (3) years.

## **12.7 Exit Programme**

12.7.1 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.

12.7.2 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.

12.7.3 The municipality must promote exit from indigence by:-



12.7.3.1 identifying indigents for inclusion in public works projects;

12.7.3.2 initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;

12.7.3.3 facilitation of opportunities to enter the informal trade market;

12.7.3.4 facilitation of food security projects; and

12.7.3.5 Liaison with National and Provincial departments to include indigent persons in their public works programmes.

### **13. DRAFTING AND MAINTENANCE OF AN INDIGENT REGISTER**

13.1 The Chief Financial Officer will be responsible to compile and administer the database for households registered in terms of this policy.

13.2 Registration will take place on dates and at times and places determined by the Council, but shall generally be undertaken during January and February each year. The Municipal Manager or his/her delegate will provide assistance to persons who cannot read or write, at such times and places as are specified in the notices published to indicate that the registration programme is to take place.

13.3 Council reserves the right to send officials or its agents to premises/households receiving relief from time to time for the purpose of conducting an on-site audit of the details supplied.

### **14. PENALTIES AND DISQUALIFICATION FOR FALSE INFORMATION**

14.1 Applicants will be required to sign and submit a sworn affidavit, to the effect that all information supplied is true and that all income, i.e. from formal and/or informal sources, is declared.

14.2 Any person who supplies false information will be disqualified from further participation in the subsidy scheme. He/she will also be liable for the immediate repayment of all subsidies received and all debts including arrears that have previously been written off, and the institution of criminal proceedings, as Council may deem fit.

14.3 The onus also rests on indigent support recipients to immediately notify Council of any changes in their indigence status.



## **15. TARIFF POLICY**

- 15.1 The Municipal Systems Amendment Act stipulates that a Municipal Council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements and which complies with the provisions of the Act and with any other applicable legislation.
- 15.2 A tariff policy must reflect, amongst others, at least the following principles, namely that:-
- 15.2.1 The amount individual users pay for their services should generally be in proportion to their use of that service;
- 15.2.2 Poor households must have access to at least basic services through-
- 15.2.2.1 tariffs that cover only operating and maintenance costs;
- 15.2.2.2 special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
- 15.2.2.3 any other direct or indirect method of subsidisation of tariffs for poor households.
- 15.2.3 The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

## **16. SOURCES OF FUNDING**

- 16.1 The amount of subsidisation will be limited to the amount of the equitable share received on an annual basis. This amount may be varied on a yearly basis according to the new allocation for a particular financial year.
- 16.2 The Municipality resolves to fully subsidise all registered indigents for property rates, site rentals, refuse collection, sanitation, 10kl of water and 50 kWh of electricity (or alternative energy) per month or an amount to be determined annually by Council.
- 16.3 If approved as part of the tariff policy the amount of subsidisation may at any time be increased through cross subsidisation, i.e. step tariff system in which case paragraph 15.2.3 shall apply.

## **17. METHOD OF TRANSFER AND THE VALUE OF THE SUBSIDY**

- 17.1 No amount shall be paid to any person or body, but shall be transferred on a monthly basis as a credit towards the approved account holder's municipal services account in respect of the property concerned.





17.2 Arrear amounts shall not qualify for any assistance and shall not be taken into consideration. Calculations shall be based on the monthly current accounts only and in accordance with the approved tariff policy.

## **18. RESTORING SERVICES TO QUALIFIED HOUSEHOLDS**

18.1 If an application is approved services will be restored free of charge. If services are to be suspended thereafter in terms of the approved credit control policy the approved tariff for reconnection will be payable.

## **19. MONITORING AND REPORTING**

19.1 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:-

19.1.1 Number of indigent households applications received;

19.1.2 Amount of subsidy allocated per benefit category;

19.1.3 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);

19.1.4 Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:-

19.1.4.1 Number of applications for indigent support dealt with;

19.1.4.2 Time taken to process and finalise applications;

19.1.4.3 Site visits undertaken;

19.1.4.4 Awareness initiatives; and

19.1.4.5 Exit initiatives.

19.1.5 Changes in the registered status of indigents.

## **20. CAPACITY BUILDING**

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



20.1.1 Database management;

20.1.2 Demand and revenue management; and

20.1.3 Policy and by-law implementation.

## **21. IMPLEMENTATION AND REVIEW OF THIS POLICY**

21.1 This policy shall be implemented once approved by Council. All future applications for indigent registrations must be considered in accordance with this policy.

21.1.1 In terms of section 17(1) (e) of the MFMA this policy must be reviewed on annual basis and the reviewed policy tabled to Council for approval as part of the budget process.