



INDIGENT POLICY

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1. Introduction

As a developmental institution, Mbombela 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 fulfil 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 Integrated Development Planning, 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

2. Definitions

- (a) "Child headed household" means a household where both parents are deceased and where all occupants of property are children of the deceased and under the legal age to contract for services;
- (b) "Household" means a registered owner or tenant with or without children who reside on the same premises
- (c) "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, as vested in the municipal policy, which qualifies for rebates or remissions, support or a services subsidy, provided that child support grant is not included when calculating such household income;
- (d) "Indigent Management System" an electronic management system applied by other municipalities for the smooth and efficient management of the register of indigent households;
- (e) "Municipality" means the list of municipal categories, established in terms of Section 12 of the Municipal Structures Act 117 of 1998, and includes any political structure, political office bearer, councillor or duly authorized agent or any employee acting in connection with this by-law virtue of a power vested in the municipal council.
- (f) "Programme officer" an official duly authorised by the municipality, or an employee of a services provider appointed by the municipality, who is responsible for the following;

- I. To ensure that applications for indigent support are received and assessed;
 - II. To ensure that applications are captured on the Indigent Management System.
 - III. To ensure that information on applications are verified and that regular audits are executed; and
 - IV. To authorise expenditure with regard to indigent support.
- (g) "Occupier" means the person who controls and resides on or control and otherwise uses immovable property provided that;
- I. 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;
 - II. Where both spouses reside on immovable property and one of them is an occupier thereof, the other shall also be deemed an occupier;
- (h) "Indigent register" means the municipal list of indigent customers as per the municipal policy, which has to be updated on a monthly basis, designed to contain all the data contained within completed indigent application forms which contains the following
- (i) "Owner" in relation to immovable property means:
- I. The person in whom is vested the legal title thereto provided that –
 - a. The lease of immovable property which is leased for a period of not less than fifty years, whether lease is registered or not, shall be deemed to be owner thereof, and
 - b. The occupier of immovable property occupied in terms of a service or right analogous thereto shall be deemed the owner thereof;
 - II. 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;
 - III. 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
 - IV. If the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of such property;
- (j) "Premises" includes any piece of land, the external surface boundaries of which are delineated on
- I. 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);

- II. 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;

(k) "Rates" means any tax, duty or levy imposed on property by the Council;

3. Policy principles

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

- a) 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;
- b) To link this policy with the municipal Integrated Development Planning, Local Economic Development initiatives and poverty alleviation programmes;
- c) To promote an integrated approach to free basic service delivery; and
- d) To engage the community in the development and implementation of this policy;

4. Policy objectives

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

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

5. legislative framework

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

- a) The Constitution of the Republic of South Africa, 1996;
- b) The Municipal Systems Act, 2000 (Act 32 of 2000);
- c) The Municipal Finance Management Act, 2003 (Act 56 of 2003);
- d) The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- e) The Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- f) The Property Rates Act, 2004 (Act 6 of 2004).

6. Targeting of indigent households

For a household to qualify as an indigent, a household should comply with the following requirements:

- a. The applicant must be a resident of the municipality.
- b. The applicant must be eighteen (18) years of age and above.
- c. The total household joint gross income of all occupants or dependants in a single household must be less than two (2) state pension grant income.
- d. 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 and rural areas where no accounts are rendered
- e. The applicant must have a single property (stand), the applicant cannot have two properties registered in his/her name in order to qualify.
- f. All households that are child headed, even if they are below eighteen (18) years of age can apply for the indigent support.
- g. The registered indigent must be either the owner or occupant (tenant) of the property concerned.
- h. All households applying for Free Basic Electricity must have electricity connected to the household.
- i. Subsidies apply to households and not individuals
- j. The onus for applying for indigent subsidy rest with the consumer who cannot afford to pay the full municipaltariff for services received.

7. Sources offunding

- a) The council will have to 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 contribution to the municipality obtained from National Treasury.
- c) Existing indigent arrears on rates, tariffs and services charges will be written off against the provision for bad debts.
- d) Indigent households may be required to convert to prepayment electricity meters, the cost of which can be met by the equitable share fund.

8. Qualificationcriteria

8.1 An indigent application must be done on a specific council application form at service centers designated at their respective areas , the following documentary proof has to accompany the indigent application form:

- (a) Applicant's identity document;

- (b) Latest municipal or Eskom account and proof of ownership;
- (c) Documentary proof of total monthly income of the household (e.g. UIF card, salary advice, or letter from an employer)
- (d) A sworn affidavit to the effect that all information supplied is true and that income from all sources has been declared;
- (e) In addition, a recommendation by a Ward Councilor.

8.2 The application forms will be processed and information provided will be assessed and screened by the Free Basic Services directorate within the council.

8.3 Programme officers will provide the verification, so as to visit the applicants to verify the correctness of the information provided on the application form.

8.4 The indigent directorate on recommendations by the Chief Financial Officer will approve or disapprove the submitted application form and also as per the indigent policy determine the subsidy amount granted.

8.5 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

8.6 The indigent register will be updated annually and the verification process is undertaken through the year for any change of circumstances.

8.7 The re-application for indigent support will not be approved if the consumers account for water and electricity exceeded the free basic services approved by the council is not paid up to date, according to the Credit Control and Debt Collection by-laws.

8.8 An indigent customer must immediately request de-registration if his/her circumstances have changed to the extent that he or she no longer complies with the requirements set out in the definition.

8.9 All applicants will be informed in writing about the outcome of their applications, and the validity of the assistance which also included the date of commencement and termination of the assistance.

8.10 All approved beneficiaries for the indigent support automatically qualify for Free Basic Electricity whether on 20Amps or 60Amps supply.

8.11 Alternative water supply (water tanks) will be provided to areas where there is no infrastructure within the Municipal jurisdiction.

8.12 Funds are already allocated to the municipality to fund the implementation of free basic services and for the free basic alternative energy program through the equitable share grant disbursed by the National Treasury to municipalities.

8.13 These funds are classified as free Basic Electricity/ Alternative Energy, where no electricity infrastructure exist, these funds must be channeled to fund free basic alternative energy, the municipality will supplement the free basic electricity grant from its own income in ensuring that indigent households receive the free basic alternative energy.

8.14 The municipality will make provisioning of the alternative for cooking and lighting, to all the identified households where there are no immediate plans to electrify, including areas where energy poverty is prevalent.

9. Extent of indigent support

9.1 The Local Government Municipal Systems Act 32 of 2003; states that a municipality must ensure that all communities have access to at least minimal basic services, core objective of the free basic services programme is vested in section 152 of the South African Constitution which further states that 'local government has to ensure the provision of services is provided in a sustainable and efficient manner, henceforth all the indigent customers within the municipal jurisdiction will benefit from the free basic services subsidy.

9.2 The funding of the free basic services programme comes from the National Treasury in a form of an equitable share grant dispensed to municipalities and the National Department of Cooperative Government and Traditional Affairs is mandated to coordinate the free basic services programme, the National Department of Minerals and the National Department of Water Affairs serves as sector departments to municipalities

9.3 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.

10. Free Basic Services Social Package Mbombela Local Municipality provides

10.1 Water and Sanitation.

- a. Approved indigent registered household shall receive fully subsidised water and sanitation to a maximum of 6kl per month, including the basic charges for such supply, provided that;
- b. Where the consumption exceeds 6kl per month the municipality shall be entitled to restrict water supply to the property or to bill the excess consumption used at a normal rate.
- c. Where excessive consumption is partly due to leaking or poor plumbing, the municipality may install a yard connection to the outside of the dwelling and meter the consumption.

10.2. Electricity

- a. Approved Indigent registered household shall receive electricity fully subsidised to a maximum of 50 kWh per month, the free basic services subsidy is also applicable to registered indigent households in rural areas where Mbombela Local Municipality or Eskom is the supplier of electricity.

- b. Free Basic Electricity is being conducted every financial year, in all the thirty nine (39) wards within the municipal jurisdiction, the free basic electricity registration process is conducted in order to maximize the provisioning of free basic electricity roll-out to all the qualifying indigent households.
- c. If an indigent consumer's consumption or use of municipal services is less than the subsidized service or free basic services, the unused portion may not be accrued by the customers and will not entitled the customers cash or a rebate in respect of the unused portion.

10.3 Refuse Removal

- a) Approved indigent households are fully subsidised for refuse removal as provided for in the annual budget, depending on tariff changes annually and the council's resolution every financial year, Indigent customers are therefore expected to contribute on their accounts for payment

10.4 Property Rates

- a) Approved indigent households are fully subsidised for property rates as provided for in the municipal annual budget and subjected to the provisions of the Municipal Property Rates Act 2006.
- b) Approved indigent households accounts will have the interest indicators flagged.

10.5 Alternative Energy

- (a) Indigent households in informal settlements within the municipal jurisdiction where limited or no electricity is available, the municipality will make provisioning of alternative energy sources for lighting and cooking.
- (b) A ward will be identified as part of the pilot study, where stove and the gel will be provided for cooking purposes, the gel and the lighting jar will also be provided for lighting.
- (c) A service provider will be contracted to provide such services based on the performance management criteria and the terms of references developed by the municipality, the municipality will credit and monitor the roll-out of alternative energy.

11. Indigent households in retirement centres and old age homes

11.1 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. Indigent consumers living in retirement centres or old age homes are eligible to qualify for assistance and support in terms of this policy, subjected to the following rules and procedures

11.2 The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect of property rates related charges.

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

11.4 The free basic services sub-directorate will verify all applications and he or she must notify:

11.4.1 The representative, whether an application was successful or not, with regard to the water consumption and electricity; and,

11.4.2 The unit owner whether an application was successful or not, with regard to the property rates and other related charges;

11.4.3 The Chief Financial Officer will credit the monthly municipal charges as;

11.4.3.1 Water account of the Retirement Centre or Old Age Home with water, electricity where the municipality serves as an electricity provider 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 litres of water per day for each unit that qualifies for assistance.

11.4.3.1 Rates and refuse charges account of the unit owner with the amount determined by the municipality.

11.5 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.

12. Communication procedures and Free Basic Services Implementation strategy

12.1 The municipality has developed the draft free basic services communication and implementation strategy in terms of which communities will be informed and educated in order to have a clear understanding of this policy and implementation thereof.

12.2 Regular information dissemination and awareness campaigns will be undertaken and eliminate unrealistic expectations both in terms of qualifying for the free basic services subsidy as well as the services that will be rendered and the qualifying for subsidy as well as service delivery in general and methods of communication that will be used, but not be limited to;

- 12.2.1 Ward committees;
- 12.2.2 Traditional leaders, where applicable;
- 12.2.3 Community based organisations;
- 12.2.4 Local radio stations and newspapers;
- 12.2.5 Municipal accounts;
- 12.2.6 Zimbizo's and road shows; and
- 12.2.7 Jamborees where government and municipal officials are made available to assist residents with the following certified copies that must be attached;
 - a. Identity document
 - b. Pension grant receipt
 - c. Affidavit
 - d. Lease agreement form, etc.

13. Free Basic Services Registration and Institutional Arrangements

- (a) The municipality has designated existing staff in all the municipal pay-points, and engage properly with the Community Development Workers who had been trained and familiar with the municipal by-laws and the government legislative framework that are in line with the South African Constitution Act 108 of 1996,
- (b) The free basic services registration process is being facilitated collectively with the public participation office and ward committees and the ward councillors.

13.1 Application/Registration

- (a) 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 municipal pay points provided by the municipality and shall be dealt with in terms of the policy guidelines.

13.2 Assessment & Screening of Applicants

- (a) Upon registration of an application, all information will be captured and verified by the free basic services sub directorate in terms of the procedures vested on the municipal indigent policy and on the indigent National indigent guideline provided by the National Department of Cooperative Government and Traditional Affairs.

13.3. Recommendation

- (a) Once the forms 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 on the database and shall be dealt with in terms of the municipal indigent management system guideline.

13.4 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/her application may lodge an appeal in terms of section 62 of the Municipal System Act 32 of 2000.

14. Free basic services process management

14.1 Applications

With the exception of Property and Zonal Targeting the indigents, free basic services application forms should be completed in full with all the attachments mentioned on the form and then captured onto the indigent register and accounting system will be conducted accordingly against the budgeted amount for free basic services roll-out each financial year.

14.2 Validity period

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

14.3 Death of the 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

14.4 Publication of Register of Indigent Households

The Indigent register after approval will be distributed to all the Municipal pay-points for public perusal

14.5 Arrears and excess usage of allocations

- (a) 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, interest may be calculated on the arrears as contemplated.
- (b) If the applicant exits from the indigent support programme within the six (6) 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;
- (c) Where an indigent household exceeds the water consumption level approved by the municipality, the supply may be restricted.

14.6 Termination of Indigent Support

Indigent Support will be terminated under the following circumstances:

- (a) Upon death of the account-holder or the head of the household where no accounts are rendered
- (b) At the end of the (12) twelve months cycle, except in the case of pensioners and disabled.
- (c) Upon sale of the property in respect of which support is granted.
- (d) When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.
- (e) 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;

1. All arrears will become payable immediately;
2. Stringent credit control measures will apply; and
3. The applicant will not be eligible to apply for indigent support for a period of 2 years;

(f) Upon death of the indigent, If the indigent had dependants the dependents will need to re-apply for the support as subsidies are not transferable

(g) When the indigent disposes his /her property

(H) When the indigent's circumstances change or the indigent criteria for approval changes to the extent that approval no longer applies

(i) If the indigent fails to pay the account of his/her consumption or use of a municipal service in excess of the subsidized service or fails to honor any arrangements made by him/her for payment for outstanding accounts

15. Audit and review

- (a) The municipality will 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 the applicant.
- (b) 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 completed review scheduled for at least every five (5) years.

16. Exit Program

The proposed exit of indigent's beneficiaries from the approved indigent register would be;

- (a) The continuous verification of the register
- (b) The involvement of all stakeholders namely, Councilors, Community Development Workers and Ward Committee members
- (c) Members of households registered as indigent will be prepared to participate in exit programmes co-ordinated by the municipality in collaboration with other government departments, stakeholders involved, sector departments and the private sector.

(b)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 initiatives and in the implementation of integrated development programmes where possible.

(c)MbombelaLocalMunicipality will promote exit from indigence by;

- I. Identifying indigents for inclusion in public works projects;
- II. Initiating local job creation projects such as cleansing operations, smallinfrastructure projects etc;
- III. Facilitation of opportunities to enter the informal trade market;
- IV. Facilitation of food security projects; and
- V. Liaison with National and Provincial departments to include indigent customersin their public works programme.

17. Monitoring andreporting

17.1 The Chief Financial Officer will 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:

17.1.1 Number of indigent household's applications received;

17.1.2 Amount of subsidy allocated per benefit category;

17.1.3 Amount of debt accumulating and debt recovery information (number of customers; enquires; default arrangements; growth or diminishing of arrears debtors, ideally divided into wards, domestic, state Institution and other such divisions

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

- I. Number of applications for indigent support dealt with;
- II. Time taken to process and finalise applications;
- III. Site visits undertaken;
- IV. Awareness initiatives; and
- V. Exit initiatives.
- VI. Changes in the registered status of indigents.

18. Capacity building

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

18.1.1 Database management

18.1.2 Demand and revenue management

18.1.3 Policy and by-law implementation

19. Conclusion

The granting of an indigent subsidy shall be the sole prerogative of council whose decision shall be final. A free Basic Service policy should be seen as a revenue protection mechanism for Mbombela Local Municipality to protect its revenue; the indigent support policy must be applied consistently.

Political support and community participation is important in implementing the Free Basic Services policy.