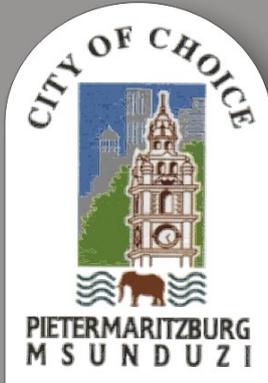


MSUNDUZI MUNICIPALITY



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The Msunduzi Municipality

INDIGENT POLICY

Draft
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DEFINITIONS

For the purpose of this policy, unless the context indicates otherwise, any word or expression to which a meaning has been attached in the Act shall bear the same meaning and means:-

“Authorised Representative” The person or instance legally appointed by the Council to act or to fulfill a duty on its behalf.

“Life Line Service” The amount or level of any municipal service that is necessary to ensure human dignity and a reasonable quality of life and which, if not provided, could endanger public health or safety of the environment and for the purposes of this Policy are restricted to electricity, refuse, sewerage and water services. It is also to be understood that the national norms will be used as guidelines for the determination of the amount/level of the services.

“Chief Financial Officer” Refers to the person so designated in terms of Section 80 (2)(a) of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) or any person duly authorised to act on behalf of such person;

“Council” or “municipal council” A municipal council referred to in section 18 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and for purposes of this policy, the municipal council of the Msunduzi Municipality.

“Customer” Any occupier of any property to which the Municipality has agreed to supply services or already supplies services to, or if there is no occupier, then the owner of the property (including registered indigent household).

“Defaulter” A person who owes money to in respect of a municipal account after the due date for payment has expired.

- “Child Headed Household”** This includes all persons who are jointly living on a stand or site on a permanent basis and who receive water and/or electricity from one meter. A household where both parents are deceased and where all occupants of property are children of the deceased and are all under the legal age to contract for service and are considered as minors in law by the State. Child headed households are automatically considered indigent unless proven otherwise.
- “Indigent”** Lacking the necessities of life such as sufficient water, basic sanitation, refuse removal, environmental health, basic energy, health care, housing, food and clothing. This is a household which, due to a number of factors as set out in par. 4, is not financially capable of paying for the delivery of Basic Services – including poor households.
- “interest”** A levy with the same legal priority as service fees and calculated on all amounts in arrears in respect of assessment rates and service levies at a standard rate as approved by Council.
- “Municipal account” or “billing”** The proper and formal notification by means of a statement of account, to persons liable for monies levied and indicating the net accumulated balance of the account, specifying charges levied by the Municipality, or any authorised and contracted service provider, in the format of, but not limited to.
- “Municipality”** The institution that is responsible for the collection of funds and the provision of services to the customers of the council.
- “The Act”** The Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) as amended from time to time.

1. PREAMBLE

The Constitution establishes a society based on democratic values, social justice and fundamental human rights and seeks to improve the quality of life of all citizens and to free the potential of each person.

In terms of the Bill of Rights, everyone has inherent dignity and the right to have their dignity respected and protected. Chapter 7, section 152(1) of the Constitution sets out the developmental objects and duties of local government as follows: A municipality is required inter alia: to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and healthy environment.

Furthermore, section 153(1) requires a municipality to structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.

Amongst a suite of local government legislation, the Systems Act provides the primary enabling framework to achieve the progressive realization of such developmental objects and duties.

2. OBJECTIVES OF POLICY

The objectives of this Policy are to:-

- 2.1. Provide a framework for the provision of a social package of benefits to the indigent;
- 2.2. Define principles and procedures for the accessing of a social package of benefits by the indigent;
- 2.3. Outline the extent of cross subsidization to enable the provision of basic municipal services to the indigent;
- 2.4. Ensure alignment with legislative requirements and compliance with nationally set minimum norms and standards, relating to the provision of access to basic municipal services by the indigent;
- 2.5. Ensure the Municipality remains financially sustainable while meeting the needs of the indigent;
- 2.6. Provide guidelines and criteria for the compilation of an indigent register;

3. LEGISLATIVE FRAMEWORK

- 3.1 The Constitution of the Republic of South Africa, 1996
- 3.2 Local Government: Municipal Systems Act 32 of 2000
- 3.3 Local Government: Municipal Finance Management Act 56 of 2003
- 3.4 Local Government: Municipal Property Rates Act 6 of 2004
- 3.5 Water Services Act 108 of 1997
- 3.6 Division of Revenue Act 3 of 2017 as promulgated annually, showing allocations from national to local government
- 3.7 Credit Control and Debt Collection Policy
- 3.8 Tariff Policy
- 3.9 National Norms and Standards applicable to water, sanitation and electricity

4. TARGETING APPROACH

Cognisance must be taken of the following when Indigent applications are processed:

- 4.1 Indigent approval is done based on the household income.
- 4.2 The application information must be scrutinized and confirmed prior to being approved by the municipality in terms of this policy.
- 4.3 Consumers may be requested to re-apply for the indigent subsidy as determined by Council. The indigent status of a consumer may be reviewed continuously. This could be done by either physical audit or external verification checks (accredited service provider/s). This process is followed to streamline the administration of the indigent processes.
- 4.4 The writing-off of indigent debts will be reversed, in cases where the property concerned, is sold within 1 (one) year after the write-off has been done.
- 4.5 Should a property, through inheritance, change ownership, 4.4 above, will not be applicable to the new occupier and or owner providing support documentation and evidence is submitted to confirm the state of events. The new occupier and or owner must submit an official Indigent application form if he or she believes they meet the Indigent criteria.
- 4.6 Where the criteria for qualification set above for indigent relief is not met, but special circumstances exist, such applications will be submitted to the Chief Financial Officer, who will have the discretion, to consider the application and make a recommendation to Council.
- 4.7 In these matters (4,6), as an interim measure, services will not be disconnected until Council has decided regarding the indigency application.

5. QUALIFYING CRITERIA

- 5.1 Criteria for Applied Indigent Status:
To qualify for "Applied Indigent Status", a household must comply with all the following criteria:-
- 5.2 The total household income (**excluding child support grants and foster care grants**) must not exceed **R 6 108,00** per month.
- 5.3 The applicant must be a South African citizen. or be a permanent South African resident.
- 5.4 The applicant must not be the registered owner of more than one property (registered individually or jointly).
- 5.5 The applicant must reside permanently in the Msunduzi Municipality area, have a registered account with the Msunduzi Municipality and be the full-time occupant of the property concerned.
- 5.6 The property must be used for residential purposes only and must not constitute a piece of land.
- 5.7 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.
- 5.8 Recognised refugees must provide proof of such status.
- 5.9** A tenant or occupier as described in Council's Credit Control and Debt Collection Policy can apply for the benefits in respect of the charges as billed for, while the landlord remains liable for all ownership related charges such as rates
- 5.10 The Chief Financial Officer may increase the income limitation through a signed memorandum where extraordinary circumstances prevail, such where the household must care for dependents or family members who are handicapped or who suffer from chronic or terminal illness or taking care of foster child or other bona fide circumstances;

6. CRITERIA FOR THE APPROVAL AS INDIGENT ARE AS FOLLOWS:

- 6.1 That the gross household income for qualification as a registered Indigent be determined each year by Council in terms of the tariff register.
- 6.2 That the prescribed application forms be completed, together with certified or
- 6.3 The Municipality reserves the right to conduct in loco visits to the premises of applicants to verify the actual status of the household.
- 6.4 The Municipality will maintain a register of addresses of account holders receiving subsidies.
- 6.5 The Municipality may publish the register of Indigents and disclose the names and address of registered applied indigents.

7. VERIFICATION OF THE INDIGENT REGISTER

- 7.1 The application for financial assistance will be registered and the information of the Indigent beneficiaries will be compiled in an Indigent Register.
- 7.2 The Indigent status of a customer will be confirmed continuously as determined by Council, either by physical audit or external verification checks (accredited service provider/s) or any systems at the disposal of the Municipality.
- 7.3 Should the requirements not be met, the subsidy for the consumer will be cancelled.

8. SUBSIDY

The subsidies below will be funded from the “equitable share” contribution received from National Treasury, plus an amount from the Municipality’s own income as budgeted for in the financial year in question. The subsidies will only be granted to qualifying households to the extent that the above mentioned funds are available for allocation.

Where the municipal account exists, the subsidy amount allocated will be calculated and will be credited into the consumer’s municipal account every month.

- 8.1 100% of the basic charge and MCB Charge for electricity for one service point per month.
 - 8.1.1 In order to qualify for the indigent subsidy the applicant must have a maximum of 20 amps and in the event that the supply is in excess of 20 amps Council shall down grade the amperage to the maximum of 20 amps.
- 8.2 **100%** of Scale 2 domestic charge for sewerage per month for one service point.
- 8.3 **100%** of the domestic refuse removal tariff for one service point per month.
- 8.4 **70 kWh** of electricity for one service point per month.
- 8.5 **6kℓ** of free water to all registered indigent households. Water is calculated on a daily tariff, therefore water is calculated based on **200** litres per day which is multiplied by the number of days the water is consumed by the customer. In the event that water charged is for a period of **28** days rather than **30** days, the applicable billing will be **200** litres multiplied by **28** days which equates to **5.8** kl free basic water. If water charged was for period of **32** days rather than **30** days the applicable billing will be **200** litres multiplied by **32** days which equates to **6,2** kilolitres.
- 8.6 **100%** of the domestic unmetered water tariff for non-metered consumers.
- 8.7 Burials (Pauper Burials)

In the event of a death of a dependent member of an indigent household, the municipality may, on application, exempt the household from the cost of digging and preparation of a grave, provided that the burial takes place in a municipal cemetery/within municipal area, subject to Pauper Burial Policy

- 8.8 Up to a 40% Pensioner rebate on Assessment rates **(for Pensioner, Disability recipients and Grantees Only)**
- 8.9 the level of indigent support granted shall not exceed the actual monthly billing to the account in respect of the services referred to in this paragraph.
- 8.10 the relief will be subject to national policy guidelines and the Council's budgetary provisions.
- 8.11 the recipient's monthly account will be credited with the amount of indigent relief granted in terms of this policy.

9 INDIGENT HOUSEHOLDS IN RETIREMENT CENTRES / ORPHANAGES/ DISABILITY CENTRES

Indigent consumers living in retirement centres / orphanages / and disability centres 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 upon the board of trustees / managing agent / chairperson of the retirement centre 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.
- 9.2 The onus will be upon the unit owner/consumer to apply to the municipality for indigent status to be granted in respect of service charges. The representative of the retirement centre will submit applications to the Municipality.
- 9.3 For the purpose of allocating the indigent benefit for consumers living in retirement centres/ orphanages and disability centres; the municipality will use an average of 4 people per household. The benefit allocated to an individual qualifying applicant living in these facilities will therefore be based on the household allocation, as approved by Council and divided by 4

10 DECEASED ESTATES

Where the deceased estate of a registered customer is still being finalized, the widow or widower may apply for indigent support, subject to the following conditions:

- 10.1 The qualifying criteria of an indigent household referred to in 5 (as may be applicable), are complied with;
- 10.2 Proof of the death of the deceased customer is provided;
- 10.3 Proof of the reporting of the deceased estate to the Master of the High Court is provided;
- 10.4 A certified copy of the marriage certificate is provided;
- 10.5 Where property is registered in the name of the deceased customer and no legal representative of the deceased estate has been appointed after a period of 24 months calculated from date of approval of the application, the applicant must produce an affidavit explaining any impediments to such appointment and the steps taken to resolve this, in order to qualify for ongoing benefits under this policy;
- 10.6 The provisions of (10.5) above will apply, with such relevant changes as may be necessary, where a legal representative fails to wind up a deceased estate within a period of 24 months calculated from date of approval of the application.

11. PROCESS MANAGEMENT

11.1 Processing Time

Applications will be processed within **30 days** from the date of receipt.

11.2 Validity period

The validity period for assistance will be for a maximum period of one financial year for employed, unemployed and grantee applicants. All SASSA pensioners will have a validity period of two (2) financial years.

11.3 Death of registered applicant

In the event that the approved applicant passes away, the heirs of the property must re-apply for indigent support and meet the stipulated criteria.

11.4 Termination of indigent support

Indigent support will be terminated under the following circumstances:

- 11.5 Upon change of ownership of the property in respect of which support is granted.
- 11.6 When circumstances in the indigent household have improved in terms of gross income threshold as prescribed by Council.

- 11.7 If the applicant is found to have furnished false information about his/her personal circumstances or regarding the declaration in respect of the indigent status, the following will apply:
- 11.7.1 All arrears will become payable immediately
 - 11.7.2 Credit control and Debt Collection measures will apply.
 - 11.7.3 The applicant will not be eligible to apply for indigent support for a period of Two (2) years.
- 11.8 If the usage category changes to anything other than residential.
- 11.9 An indigent customer may at any time requests de-registration.

12. RIGHT OF REVIEW AND APPEALS

Any aggrieved person who was not successful in the application to be regarded as an indigent, may lodge an appeal to the Municipality within a period of 14 days from the date on which the aforesaid decision was communicated to the applicant.

- 12.1 Where an application for rates relief has been rejected, the Chief Financial Officer may consider written representations.
- 12.2 Where an indigent has failed to make application for indigent support and the failure was not due to any negligence on the part of such indigent, the Chief Financial Officer may consider written representations as to why a late application for indigent support, should be processed, subject to the following conditions:
- 12.2.1 Representations must be made by submitting an affidavit or affirmation, signed by a Commissioner of Oaths, indicating the reasons for the failure to make timeous application and the grounds why the application for indigent support, should be granted.
 - 12.2.2 Any representations must be submitted within the municipal financial year for which the relief is sought.
- 12.3 The Chief Financial Officer may:
- 12.3.1 Allow the representations if there are reasonable grounds indicating that indigent support should be granted in which event the indigent support will apply in respect of the whole of the municipal financial year for which indigent support is sought.
 - 12.3.2 Reject the representations if there are no such reasonable grounds.
 - 12.3.4 Any aggrieved person who was not successful in an application for indigent support may lodge an appeal to the Municipality in accordance with the provisions of Section 62 of the Systems Act.

12.3.5 Any resident of the Municipality who is aware of malpractice or circumstances that justify the disqualification of a registered indigent, may lodge an objection to the Municipality, in relation to the granting of indigent support to such person.

13 EXIT PROGRAMME

13.1 Members of households registered as indigent must be prepared to participate in exit programmes coordinated by the Municipality in collaboration with other government departments and the private sector.

13.2 As part of its 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.

13.3 Msunduzi Municipality will promote the exit from indigence by:

13.3.1 Liaison with National and Provincial Departments to include indigent persons in their public works programme

13.3.2 The Economic Development Department will investigate possible ways of creating and encouraging exit programs for indigents.

14 ASSISTANCE PROCEDURES APPLICABLE TO THIS POLICY

14.1 Communication

The municipality will develop a communications strategy in terms of which communities will be informed and educated in order to have a clear understanding of this policy, its implementation and limitations.

14.1.1 MUNICIPAL MEETINGS

These can take the form of ordinary meeting of the council or special or urgent meetings. Meetings of municipal council and those of its committees are open to the public, including the media, and council may not exclude them. (This does not apply to the executive committee meetings)

14.1.2 WARD COMMITTEE AS INFORMATION SOURCES

Ward committees are useful information routes. They usually link back to a constituency and therefore have immediate access to the community. Ward committees can also be mobilized to assist in supporting a door to door campaign, which entails visiting people in their homes and explaining how FBS works and how it can benefit them.

14.1.3 MUNICIPAL BILLS

Advertisements can be placed on the municipal service bill. In this regard all people who receive a service and an account will also receive the FBS communication. The municipality can place the same advert on the bill over a number of months and maximise the distribution of the message.

This method assumes that the target audience is literate and it will only reach people who are already receiving services. It would not be effective as a means of engaging with community members who are not being serviced by the municipality and hence fail to reach a large proportion of the targeted indigent population.

14.1.4 PUBLICITY IN PUBLIC PLACES

The municipality can target places where people gather. These could be natural gatherings, such as those around a community halls or libraries, and special gatherings such as pension pay-out points or exhibitions. It would be of great help if the municipality has access to a local calendar of events. This can be created by speaking to the local community centre and other groupings such as NGO's and clinics, and requesting that they communicate details of planned activities. Gatherings provide the opportunity for pamphlet runs and setting up and staffing an FBS exhibition stand to interact with community members. Putting up posters and notices need not only be linked to an event, but can become a long standing fixture in public spaces.

14.1.5 USING INTERMEDIARIES

Intermediaries are very effective as vehicles for communication. Intermediaries could be churches, NGO's and advice centres. Intermediaries are typically places that people go to for advice and support. Intermediaries can be incredibly effective if they are provided with information and information products which they can pass on to community members. They could serve as primary agents for screening and referring potential applicants for FBS to the appropriate services.

These intermediaries should be more than a drop off point for brochures, but they should also be trained to understand and impart knowledge on FBS. Presentations could also be used as the strategy to engage intermediaries, e.g. getting invited to address a church meeting.

14.1.6 STAKEHOLDER ENGAGEMENT

Stakeholders are people whose participation and support are critical. It is of utmost importance to meet with stakeholders during the initial stages of the programme and to inform them of the details of the programme and involve them in the campaign. Endorsement by stakeholders can significantly increase the support of the community. Presentations at stakeholder meetings and inviting stakeholders to share a platform at campaign forums and exhibitions are popular ways to solicit stakeholder backing

14.1.7 INVOLVING COMMUNITY DEVELOPMENT WORKERS

Community development workers have a crucial role to play. Apart from being agents of the municipality, they are also members of the communities and therefore in touch with the needs of their community. As such they can offer valid input when deciding on the appropriate strategies to be used. They can act as the municipality's field operatives when undertaking research or implementing any of the strategies as well as help to identify indigent groups.

14.1.8 DIRECT COMMUNICATIONS TO LOCAL COMMUNITY

The municipality may utilize a variety of mediums to communicate with its constituents and these may include local newspapers radio broadcasts and other communication mediums. When the municipality requires a form to be completed by a member of the community, a staff member of the municipality must give assistance to members who cannot read or write.

14.2 Communities

Members of the community should monitor responsible use and prevent misuse, e.g. illegal connections and help to distribute information to their neighbours.

14.3 Application / Registration

A person applying for assistance must complete a formal indigent support application form approved by the Municipality and must meet the qualification criteria as stipulated in paragraph 9 of this policy.

The following procedure must be followed to register all indigents on the Municipality's database, namely:

- 14.3.1 Applicant collects prescribed application forms from the nearest Indigent Management Departments enquiry counter.
- 14.3.2 An official will explain to the applicant how to complete the form and also check if the applicant is already registered as an account holder or has a prepayment electricity meter.
- 14.3.3 Applicant submits the necessary documentation, namely:
 - 14.3.3.1 Original or Certified supporting documents (not older than 3 months)
 - 14.3.3.2 Identity document(s), birth certificate(s) copies all members of the household, including all children
 - 14.3.3.3 In a case where owner is deceased, please supply copies of one of the following:
 - 14.3.3.4 Copy of last will
 - 14.3.3.5 Letter of executorship
 - 14.3.3.6 Letter of Authority
 - 14.3.3.7 Copy of death certificate and affidavit (if related)
 - 14.3.3.8 Copy of marriage certificate and copy of death certificate (if where married to the deceased)
 - 14.3.3.9 Copy of school report and proof of registration for current year
 - 14.3.3.10 Proof of SASSA Income (Pension/Grant) – from 390 Pietermaritz Street or Civic Centre Northdale
 - 14.3.3.11 Proof of Pension or Income
 - 14.3.3.12 Proof of all additional household income
 - 14.3.3.13 Copy of 3 Months Current Bank Statements (if applicant does not have proof of income)
 - 14.3.3.14 Proof of unemployment from Department of Labour for all unemployed household members
 - 14.3.3.15 Copy of Municipal Services Account
 - 14.3.3.16 Copy of Lease Agreement if applicant is the tenant
 - 14.3.3.17 Affidavit if consumer has no electricity or water meter on the property
 - 14.3.3.18 All Document(s) must not be older than 3 months old
- 14.3.4 The application form is recorded and applicant issued with an acknowledgement of receipt of application form.
- 14.3.5 Official checks that application and all supporting documentation.
- 14.3.6 Incorrect or incomplete forms are returned to the applicant for rectification/completion.
- 14.3.9 The application is approved and signed by the Head of the Indigent Section OR if refused, is also submitted to the Departmental Head for consideration. The final decision is communicated in writing to the applicant.

14.4 Approved applications

- 14.4.1 All applications that meet the prescribed qualification criteria are then processed on the financial system.
- 14.4.2 The applicant is flagged as Indigent in the prepayment system. This ensures that the applicant gets his/her monthly free issue and is charged the indigent tariff.
- 14.4.3 The total monthly subsidy applicable on service charges will be reflected on the monthly statement of account after approval.

15 PUBLICATION OF NAMES OF QUALIFYING APPLICANTS

- 15.1 The applicant must grant permission for the Municipality to publish his/her name and address on a list of account holders receiving subsidies in terms of this policy and be submitted to credit authorities
- 15.2 Any person may inspect or scrutinise the list at a Customer Care Office and inform/notify the Municipality of any person who, according to their true circumstances, should not be in receipt of a subsidy as envisaged in this policy.

16 CURRENT AMOUNTS IN ARREARS

- 16.1 Applied Indigents, whose municipal accounts are in arrears amounts, will be treated in terms of the provisions of credit control and debt collection policy of the council regarding their status as indigent,

17 DEBT ARRANGEMENT BY INDIGENT CUSTOMERS

- 17.1 Indigent Customers must have their credit electricity meters converted to prepayment electricity meters.
- 17.2 Indigent Customers are required to pay their current monthly account, which is the amount after indigent subsidy has been deducted, every month on or before the due date.

18 ENFORCEMENT MECHANISMS

- 18.1 All indigent households will have restricted water flow control implemented on application and approval of this policy, or other mechanisms of restriction of services if his/her account becomes overdue and/or if the arrangement for the payment of outstanding amounts is not honoured.
- 18.2 All effort must be made to limit the re-occurrence or accumulation of indigent debt.
- 18.3 Judgment orders or summonses against indigent households will be suspended if the household qualifies for the indigent subsidy.
- 18.4 Legal action for the recovery of outstanding debt will not be taken against Indigent households as long as the household is classified by the municipality as indigent

19 REGISTER

- 19.1 The Municipality shall keep a register of approved indigent households.

20 REPORTING REQUIREMENTS

- 20.1 The Chief Financial Officer must report monthly to Council on the following:
 - 20.1.1 The number of registered indigents and a brief synopsis of any trends in such numbers;
 - 20.1.2 The monetary value of actual subsidies and rebates granted versus actual budgeted value.
 - 20.1.3 The above information cumulatively for the financial year to date.

21 GENERAL

- 21.1 This policy will be posted on the Msunduzi Municipality municipal website www.msunduzimunicipality.gov.za and, without detracting from other communication modes that may be implemented by the Municipality, from time to time, will also be communicated to the local community during the statutory annual budget community participation process.
- 21.2 Prescribed forms are available at Municipal Offices, Ward Councillor Offices and on the Municipal website.
- 21.3 Where free basic municipal services or subsidized services are provided to a registered indigent, these will be shown on the monthly bill of those users.
- 21.4 The Indigent Management Offices details are as follows:
AS Chetty Building, 333 Church Street, Ground Floor, Room G 27
Contract Number 033 392 2405, email: indigent@msunduzi.gov.za

13. POLICY EVALUATION AND REVIEW

- 13.1 This policy will be reviewed annually by the Revenue Management Unit as part of the annual budget process.
- 13.2 This policy shall be implemented once approved by Council. All future applications for indigent registrations must be considered in accordance with this policy.