



# **NDLAMBE LOCAL MUNICIPALITY**

## **INDIGENT POLICY**

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**NDLAMBE MUNICIPALITY  
INDIGENT SUPPORT POLICY**

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## DEFINITIONS

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

**“household”** means all owners / occupants / residents / dependents / tenants that are over the age of 18 years or who have a potential earning capacity;

**“indigent”** means any household or category of households, including a child headed household, residing / occupying on a single residential property or group housing, earning a combined gross income not exceeding the equivalent of two Government Old-age pensions and has a municipal valuation that does not exceed an amount of R350 000, as determined by the municipality annually in terms of a social and economic analysis and municipal valuation roll 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 NDLAMBE Municipality for the management of the register of indigent households;

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

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

- (a) to ensure that applications for indigent support are received and assessed;
- (b) to ensure that applications are captured on the Indigent Management System;
- (c) to ensure that information on applications are verified and that physical audits are executed when the need arises; 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 an extract from the Munsoft Financial system, which has to be updated on a monthly basis, all the inputted data contained in the indigent files and /or in the

Indigent Management System with the completed indigent application forms which contains the Indigent customer details

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

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

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

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

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

## **INTRODUCTION**

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

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

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

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

## **1. POLICY PRINCIPLES**

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

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

## **2. POLICY OBJECTIVES**

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

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

## **3. THE LEGISLATIVE FRAMEWORK**

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

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

#### 4. QUALIFICATION CRITERIA

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

- 4.1 The applicant must be a resident of the municipality.
- 4.2 The applicant must be in possession of a valid South African identity document.
- 4.3 The combined or joint gross income of all occupants or dependants in a single household which receives services from the municipality may not exceed the thresholds determined by the municipality annually during consideration of the budget for the next financial year. The guideline relating to the household income threshold for a 100% rebate is an income of not more than two state pensions per month.
- 4.4 The applicant must be the owner or tenant or any person who is authorised to occupy the property subject to availing authorised documents, who receives municipal services and is registered as an account holder or legal authorised occupant on the municipal financial system; provided that the requirement of being registered as an account holder does not apply to households in informal settlements where no accounts are rendered nor in rural areas where no accounts are rendered.
- 4.5 A tenant can apply for the benefits in respect of the charges he/she is billed for while the landlord remains liable for all ownership related charges such as rates.
- 4.6 The account of a deceased estate may be subsidised if the surviving spouse or dependants of the deceased who occupy the property, applies for assistance.
- 4.7 The account of a deceased estate may be subsidised if the occupier who occupies the house applies for services and indigent subsidy by completing the **NDLAMBE OCCUPANT DECLARATORY AFFIDAVIT FORM**
- 4.8 Ratable house value of less than R350 000 or where the owner applies for assistance as a special case and as determined by the rates rebates committee.
- 4.9 Any one of the following factors will serve as a disqualification
  - 4.9.1 Where the applicant has or allows any business to be operated on the property
  - 4.9.2 Where there is no written service agreement with the applicant;
  - 4.9.3 Where the applicant owns more than one property, only one property will qualify for indigent subsidy
  - 4.9.4 Where any of the documents requested in the application is not supplied and the information is not available from the indigent management system the applicant will not qualify for subsidy

DOCUMENTS TO BE ANNEXURED TO EACH APPLICATION FORM

### APPLICATION FOR INDIGENT ASSISTANCE – CHECKLIST

OWNER ALIVE AND LIVING IN THE PROPERTY		
REQUIRED DOCUMENT	YES	NO
ID Copies of all occupiers		
Proof of income of all occupiers (SASSA, affidavit, school report, payslip, letter from employer)		

<b>DECEASED HOUSEHOLDS (Where the authorized or nominated is the applicant)</b>		
<b>REQUIRED DOCUMENT</b>	<b>YES</b>	<b>NO</b>
Death Certificate		
Letter of authority/ Municipal Deceased authority form		
ID Copies of all occupiers		
Proof of income of all occupiers (SASSA, affidavit, school report, payslip, letter from employer)		

<b>DECEASED HOUSEHOLDS (Where occupant is the applicant)</b>		
<b>REQUIRED DOCUMENT</b>	<b>YES</b>	<b>NO</b>
Municipal Occupant declaratory affidavit form		
ID Copies of all occupiers		
Proof of income of all occupiers (SASSA, affidavit, school report, payslip, letter from employer)		

<b>CHILDHEADED HOUSEHOLDS</b>		
<b>REQUIRED DOCUMENT</b>	<b>YES</b>	<b>NO</b>
Death Certificate and ID Copy of the deceased		
Letter of authority/ Municipal Deceased authority form / Municipal declaration form/ Affidavit stating situation eg. Family has not appointed authorised person yet		
ID Copies of all occupiers		
Proof of income of all occupiers (SASSA, affidavit, school report, payslip, letter from employer)		

<b>ANY OTHER SITUATIONS</b>		
<b>REQUIRED DOCUMENT</b>	<b>YES</b>	<b>NO</b>
Affidavit stating situation		
ID Copies of all occupiers		
Proof of income of all occupiers (SASSA, affidavit, school report, payslip, letter from employer)		

## **5. TARGETING OF INDIGENT HOUSEHOLDS**

Ndlambe Municipality shall use a household income or Geographical (Zonal) targeting, with the latter approach declaring specific areas (rural or urban) where households are regarded as poor irrespective of service level. Such categorization will be based on zonal socio-economic conditions.

The effective targeting of indigent households and the implementation of this policy will depend largely on the social analysis included in the IDP, the LED initiatives and other

poverty relief programmes of the municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households.

## **6. EXTENT OF INDIGENT SUPPORT**

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

Within the abovementioned budgetary process, and in striving to create a situation where poor households will be granted access to a full social package, the following assistance and support may be granted in respect of one property per applicant.

### **6.1 Water**

Each registered indigent household shall receive water fully subsidised to a maximum of 6kl per month, including the basic charges for such supply; provided that –

6.1.1 Where the consumption exceeds 6kl per month the municipality shall be entitled to restrict and recover water supply to the property; and

6.1.2 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.

### **6.2 Electricity**

Each registered indigent household shall receive electricity fully subsidised to a maximum of 50 kWh per month. This subsidy may also apply to registered indigent households in rural areas where the municipality is the electricity supplier while agreements with Eskom, where the latter is the supplier, may be negotiated to support such households.

### **6.3 Refuse removal**

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

### **6.4 Sanitation**

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

### **6.5 Property Rates**

Each registered indigent household shall be fully subsidised for property rates

### **6.6 Rental (Dwellings and Sites)**

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

## **6.7 Burials**

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

## **6.8 Transfer of properties**

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

In the case of where the property gets transferred into another indigent person's name, Council may cover the cost of the transfer.

## **6.9 Food security**

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

## **6.10 Education**

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

## **6.11 Basic Energy**

Indigent households in informal settlements / rural areas where limited or no electricity is available, may be provided with alternative energy e.g., gel fuel and gel stoves as determined by Council from time to time, provided that procurement of service providers or services shall be subject to the Supply Chain Management regulations of the municipality and that the support given does not exceed the level of support given to other indigent households.

## **6.12 Disabled and Households with owners/occupants with HIV**

In the event of an Indigent household with a disabled person occupying the property, the municipality may construct a wheelchair ramp/mobility aids to enable the disabled access to their home on condition that budget is available.

## **7. FREE BASIC ELECTRICITY TO INDIGENTS ON FARM PROPERTIES**

Indigent consumers living on a Farmers property in their own house shall be eligible to qualify for 50 free units once the farm owner has signed an SLA with the municipality and ID numbers of each beneficiary is available. The municipality shall do a physical visit to count the number of farmhouses on the farm. Where more than one farm employee residing in separate dwellings and linked to one family metering

device, each employee shall qualify for 50 kWh units subject to qualifying as an indigent household.

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

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

- 8.1 The onus will be on the Board of Trustees/Managing Agent (hereinafter referred to as the representative) to apply to the municipality with details as required by the municipality from time to time of each individual residing in the establishment, 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.
- 8.2 The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect property rates and related charges.
- 8.3 The representative will submit applications to the Chief Financial Officer.
- 8.4 The Programme Officer must verify all applications and he or she must notify:
  - 8.4.1 The representative, whether an application was successful or not, with regard to the water consumption; and
  - 8.4.2 The unit owner whether an application was successful or not, with regard to the property rates and other related charges.
  - 8.4.3 The Chief Financial Officer will credit the monthly municipal: -
    - 8.4.3.1 Water account of the Retirement Centre or Old Age Home with water and sewerage charges, the amount of which will be calculated by dividing the total number of kilolitres of water consumed by the number of units in the complex, but up to a maximum of 6Kl of water per month for each unit that qualifies for assistance.
    - 8.4.3.2 General rates and refuse charges account of the unit owner with the full amount charged.
  - 8.4.5 The representative must, in respect of monthly water credits allowed under indigent support, ensure that the full amount of 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.

## **9. ASSISTANCE PROCEDURES**

### **9.1 Communication**

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

- 9.1.1 ward committees;
- 9.1.2 community based organizations;
- 9.1.3 local radio stations and news papers;
- 9.1.4 municipal accounts;
- 9.1.5 imbizo's and road shows; and
- 9.1.6 jamborees where government and municipal officials are made available to assist residents with applications such as ID applications, pension- and social grant applications, etc.

### **9.2 Institutional arrangements**

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

### **9.3 Application/Registration**

A person applying for indigent support must complete a formal indigent support application form approved by the municipality or in the case where the municipality makes use of an indigent management system the applicant must provide all the details which must be captured to the system. Such forms will be available at approved registration points provided by the municipality. In the case where the occupants are old-age pensioners and the state pensions are the only source of income, there is no need for re-registration unless the financial status changes or improves. Further in the case where the information of the applicant and the rest of the household has not changed, and the indigent verification system outcomes report reflects that the household still meets the indigent policy criteria there is no need for the household to reapply.

### **9.4 Assessment & Screening of Applicants**

Upon registration of an application, all information must be verified by the duly authorised official going through the internal and external verification process. Internal process is the verification by the duly authorised official and external verification is done by the indigent management system.

### **9.5 Recommendation**

Once the verification has been completed the Indigent Management System must generate a recommendation based on the information captured in the database.

## **9.6 Right of appeal**

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

## **10. PROCESS MANAGEMENT**

### **10.1 Process Management**

Indigent process management shall be a three-phase procedure. The first phase being the capturing the application to the indigent management system. The second phase being the next level duly authorised official attending to the internal review of the application to ensure policy criteria is met. The third phase review is an external review which is performed on the indigent management system which provides a report indicating if the application is successful or unsuccessful. In the event the application is unsuccessful the report stipulates the reasons therefor. The fourth phase provides an unsuccessful applicant the platform to appeal the unsuccessful application for consideration by the Rates and Valuation committee.

### **10.2 Applications**

With the exception of Property and Zonal Targeting, an indigent application could be made by the applicant completing the application form or the duly authorised official capturing all the details of the applicant to the indigent management system.

### **10.3 Validity period**

The validity period of assistance will be for the duration that the applicant meets the qualifying criteria. 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.

### **10.4 Death of Registered Applicant**

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

### **10.5 Publication of Register of Indigent Households**

Names of indigent beneficiaries must be open for public perusal and comment. Written objections from the public must be referred to the duly authorised official who will be responsible for investigating the validity of the complaint and referral to the Rates and Valuation committee for appropriate action.

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

10.6.1 Upon registration as an indigent household, the arrears on the account of the applicant will be kept until year end, when a write off of the debt will be considered.

10.6.2 No interest may be calculated on the arrears as contemplated in 10.4.1.

- 10.6.3 If the applicant exits from the indigent support programme within the six months period in 10.4.1, the arrears will be re-introduced in the account and will be subject to the credit control and debt collection policy of the municipality;
- 10.6.4 Where an indigent household exceeds the water consumption level approved by the municipality, the supply may be restricted and be recovered through the prepayment system.

## **10.7 Termination of Indigent Support**

Indigent Support will be terminated under the following circumstances:

- 10.7.1 Upon death of the account-holder.
- 10.7.2 Upon sale of the property in respect of which support is granted.
- 10.7.3 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded.
- 10.7.4 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:
- 10.7.4.1 All arrears will become payable immediately;
- 10.7.4.2 Stringent credit control measures will apply; and
- 10.7.4.3 The applicant will not be eligible to apply for indigent support for a period of 2 years.
- 10.7.5 The indigent status will be forfeited if the household income exceeds the indigent threshold, if it is used for business purposes or example, flats, taverns, spaza shops, saloons or any other profitable organisation.

## **10.8 Audit and review**

The municipality may conduct audits of the indigent register with regard to the information furnished by applicants and or information obtained from the indigent management system.

## **10.9 Exit Programme**

The exit of indigents shall be facilitated through continuous communication with Municipal LED section to determine indigent beneficiary whose economic condition could have changed through participation in LED initiatives.

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

The municipality must promote exit from indigence by –

- 9.9.1 identifying indigents for inclusion in public works projects;
- 9.9.2 initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;
- 9.9.3 facilitation of opportunities to enter the informal trade market;
- 9.9.4 facilitation of food security projects; and
- 9.9.5 liaison with National and Provincial departments to include indigent persons in their public works programmes.

## **11. MONITORING AND REPORTING**

11.1 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:

- 11.1.1 Number of indigent households applications received;
- 11.1.2 Amount of subsidy allocated per benefit category;
- 11.1.3 Amount of debt accumulating and debt recovery information (number of customers; growth or diminishing of arrear debtors; ideally divided into wards, domestic, state, institutional and other such divisions);
- 11.1.4 Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:
  - 11.1.4.1 Number of applications for indigent support dealt with;
  - 11.1.4.2 Time taken to process and finalise applications;
  - 11.1.4.3 Site visits undertaken;
  - 11.1.4.4 Awareness initiatives; and
  - 11.1.4.5 Exit initiatives.

11.1.5 Changes in the registered status of indigents.

## **12. CAPACITY BUILDING**

- 12.1 The municipality must ensure that all officials and councillors are appropriately capacitated in Free Basic Services in terms of the following key areas:
- Database management
  - Demand and revenue management
  - Policy and by-law implementation

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