

KAI !GARIB MUNICIPALITY

INDIGENT POLICY

DEFINITIONS

“indigent” means any household which is responsible for the payment of services and rates, earning a combined gross income equivalent to or less than to time the government pension grant as prescribed by the National Department of Social Development or line with the National Indigent Framework issued by the Department of Cooperative Governance and Traditional Affairs who qualify, according to the policy for rebates support or service subsidy.

“household” means a registered owner of the property.

“property” means-

- a) Immovable property registered in the name of a person, including, in the case of sectional titles scheme, a sectional title unit registered in the name of a person
- b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- c) a land tenure right registered in the name of a person or granted to a person in terms of a legislation; or
- d) public service infrastructure

“orphans headed household” means household where both parents are deceased and where all occupants of the property are children of the deceased and all are under the legal age to contract for service and are considered as minors in law by the state.

“rates” means any tax, duty or levy imposed on the property by the Council.

“rebate” in relation to a rate payable on a property, means a discount granted in terms of section 15 on the discount of the rate payable on the property.

“occupier” in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property.

“owner” in relation to immovable property, means –

1. the person in whom is vested the legal title there to provided that:
 - a) 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
 - b) the occupier of immovable property occupied in terms of a servitude of rights analogous thereto shall be deemed the owner thereof;
2. if the owner is deceased, insolvent, has assigned his/her estate for the benefit of his/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;
3. if the owner is absent from the Republic or if his/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
4. if the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of such property.

OBJECTIVE

Is to assist and empower households which are unable to pay for municipal rates and services and household lacking the necessities of life. The municipality recognizes that there is a high level of unemployment in its area and therefore adopt this indigent policy to support and ensure that the community is able to access basic level of services.

PURPOSE OF THE INDIGENT POLICY

- a) Ensure that the communities access the provisions of basic services in a sustainable manner
- b) Provide procedures and guidelines for the subsidizing of basic charges and provisions of the free basic energy to indigent households
- c) Setting of tariffs in terms of the Council tariff policy, which will balance the economic viability of continued service delivery and determining appropriate service levels.
- d) Establish a framework for the identification and management of indigent household including a socio-economic analysis where necessary and an exit strategy.

QUALIFICATION CRITERIA

In order to qualify for indigent support the following criteria must be met:

1. Households income as defined by applicable Provincial and National Policy and legislation and/or guidelines.
2. Only households where the account holder or property owner has applied as indigent, and whose application has been accepted shall qualify for the above concessions
3. For a household to qualify for subsidies or rebate on service charges and assessment rate, the registered indigent must be both the owner and full time occupant of the property concerned, and may not own any other property, whether in or out of the municipal area.
4. Household must formally apply for relief on the indigent registration forms and satisfy the registration criteria determined by the Council.
5. If the application is approved the assistance will be valid for a period of 12 months only, with no guarantee of renewal. The onus is on the householder to reapply for a relief each year, failing which the assistance will cease automatically.
6. Whenever a change in financial status/situation occur the onus is on the indigent to notify council accordingly. In the event of non disclosure of a change in the financial status/situation Council may recoup all losses incurred.

APPLICATION PROCEDURES

Applicants shall be:

1. Indigent owners
2. Owners dependent on pensions or social grants for their livelihood
3. Owners temporally without income
4. Owners of properties situated within an area affected by-
 - a. a disaster within the meaning of the disaster management Act, 2002 (Act 57 of 2002)
 - b. any other serious adverse social or economic conditions

5. Citizens of the Republic of South Africa is a possession of a valid South African ID document.
6. Reside within the jurisdiction of the municipality.
7. In a possession of a service agreement and or monthly statements with Municipality in the name of a debtor.
8. Only one application per household is allowed.
9. Orphans should stay on the property where they apply for indigence and be older than 18 years age (special consideration in conjunction with the ward councilor will be given to orphans staying on stands).
10. Any transfer of stand or forfeiting of stand from indigents will lead to arrangement on paying the outstanding debt on the stand.

The applicant must produce the following documents:

1. Written proof of household income or grants for each member of the household
2. The employment status or low income or reduction in income of each member of the household
3. Inability to work of each member of the household
4. All minor members of the household and their certified birth certificate or ID
5. An affidavit (if not employed)
6. Certified identity documents
7. Title Deed (where proof of ownership required)

The above documents should be by a commissioner of oaths and be submitted with the application form.

The applicant shall agree to the following institutional arrangements

- a). The applicant shall appear in person before the designated official with the application form accompanied by the documents required for verification purpose. However, in the event that the applicant is unable to appear in person, he/she shall designate a representative in writing to appear on

- his/her behalf - unavailability must be due to ill health, age or any other good cause.
- b). The applicant shall agree that the responsibility shall be on the approved indigent debtor to inform the municipality of any change in his/her status or personal household circumstances, and with one month after the changes.
 - c). The applicant shall guarantee the municipality the following rights
 - i). Verification of the details provided by the applicant for indigent support
 - ii). External scans of the applications recommended as suitable candidates for indigent support may be conducted with UIF, SARS, Department of Social Development, Labour, Credit Bureau, et
 - iii). The undertaking of house visits by councilors, CDW's ward committees, staff personnel functioned for indigent or accredited agents to confirm the indigent living conditions
 - iv). Where the information provided by an approved indigent is found to be inconsistent with his/her real circumstances or fails to allow access or provide any further information as may be required, such debtor's indigent benefits may be cancelled at sole discretion retrospective to the date of approval.

INDIGENT REGISTER

The municipality will conduct an audit of the indigent register on a quarterly basis with regard to the information furnished by the applicants and possible changes in status, the usage of allocation and debt collection measures applied.

The register shall contain the following:

1. The names of the indigent debtors receiving indigent support
2. Erf numbers
3. The total household income
4. The number of dependents
5. Indigent service support and rebate offered

INDIGENT COMMITTEE

And indigent committee comprising of designated officials and councilors preferably ward councilors, must be established for the purpose of consideration and finalization of applications received.

The indigent committee must meet regularly, based on the number of applications received.

The indigent 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 application.

The indigent committee must monitor, in conjunction with ward councilors, ward committees and other persons or organisations it may appoint, the implementation of the indigent support program, subject to the policy of the municipality and in consultation with the municipal manager.

APPEAL

1. An indigent household application which has been declined may appeal against such decision.
2. The appeal must be in writing and lodged to the Accounting Officer within 10 days after receipt of the notification setting out the reason to appeal and any other documentary proof in support of the appeal.
3. The appeal shall be decided within 21 days after lodgment of the appeal by the three officials for the community and Social Services designated by the Accounting Officer.
4. The decision of the committee is final and the appellant shall be notified in writing.

EXTENT OF THE INDIGENT SUPPORT

1. The municipality shall annually determine the overall rebate for indigent and debtors within the budget process and constraints.
2. Indigent rebate may be granted as follows:
 - a). Electricity rebate up to a maximum of 50 kwh per household per month will apply, for those households not having electricity.

- b). Indigents are exempted from the payment of Rates.
 - d). Refuse removal rebate shall be at a rate of 100%
 - e). Sewerage rebate shall be at a rate of 100%
 - f). Water rebate up to a maximum of 10 kl per household per month will apply.
4. The household's monthly account will be credited with the amount of the indigent rebate as determined by the budget to their designation.

NON – COMPLIANCE OF HOUSEHOLD REGISTERED AS INDIGENT

A household registered as an indigent fail to comply with any arrangements or conditions materially relevant to the receipt of indigent relief such household will forfeit his/her indigent status and therefore be treated as an ordinary residential property owner for the financial year concerned.

The responsibility is on each registered indigent to advise the municipality of such failure to comply.

If no arrangements are made the municipality will apply its Credit & Debt Collection policy against such debtor and all arrears will become payable immediately. The applicant will not be eligible to apply for a period of 2 years.

The indigent support will be terminated under the following circumstances:

- 1. death of account holder
- 2. end of the 12 month cycle
- 3. upon sale of the property
- 4. When circumstances in the indigent have improved in terms of a gross income exceeding two times the government pension grant.

REPORTING

The municipal manager shall report on a monthly basis to the mayor or executive committees as the case may be for the month concerned and by the ward:

- a). The number of households registered as indigent and a brief explanation of any movement
- b). The monetary value of the actual subsidies and rebate granted.
- c). The budget value of the subsidies and rebate concerned and the above information cumulatively for the financial year to date.

REVIEW AND AMENDMENT OF THE POLICY

This policy shall be reviewed annually.