

# DEPARTMENT OF LOCAL GOVERNMENT AND HOUSING

# LIMPOPO INDIGENT POLICY FRAMEWORK



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#### FOREWORD

The Department of Local Government and Housing in Limpopo Province has the responsibility of supporting municipalities in the provision of services. The Department in consultation with relevant stakeholders has developed this Indigent Policy Framework to guide the provincial initiative in supporting municipalities to improve the lives of indigent households.

The framework provides the basis upon which municipalities can develop their own localised Indigent Policies in order to fulfill their responsibilities in respect of basic municipal service provision to indigent households. It also provides options on the implementation of the Indigent Policies as well as possible interventions on poverty alleviation to reduce the number of indigent households through the involvement of other Sector Departments.

The Department will continue to provide support in Indigent Policy development and Indigent Register compilation to ensure that indigent households benefit from Free Basic Services Programmes and other Programmes aimed at supporting indigent households.

The legislative framework confirms the mandate of municipalities to provide a certain level of services to the poor (indigents). Both the *Systems Act* and the *Constitution* mandate municipalities to provide "basic municipal services" to poor households, defined to be municipal services that are necessary to ensure an acceptable and reasonable quality of life which, if not provided would endanger public health or safety or the environment. The legislative framework therefore defines the mandate of municipalities towards supporting the poor and ensures that they do not act beyond their mandate, which would in any event be undesirable since they are creatures of statute.

What triggered this provincial framework is amongst others, the following areas of concerns which have been identified by the Department of Local Government and Housing:

- assisting municipalities to develop indigent policies required for the suitable provision of free basic services to poor households;
- a need to streamline the free basic services policies across various services within a particular district or local municipality; and
- creating a common definition for beneficiaries of free basic services across the municipal area i.e. an indigent for one service must be an indigent for other available support prorammes.

The framework is therefore not only a policy guideline for the province but also an informative document to assist municipalities to understand the national framework within which indigent support operates. It is a living document that will be amended from time to time to take into account both changes in the national regulatory and policy environment and the dynamics of, and challenges facing the municipalities in the province.

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# INTRODUCTION

This framework is prepared as a guide for municipalities in the province to use in compiling and implementing their indigent policies. The recommendations emanating from this framework are made pursuant to a review of local and national government policies on social support services. The review focused on the recommendations made in both the national government policies/guidelines and the legislative framework, with emphasis on:

- the kind of social support provided to the poor;
- the criteria used to define the poor or beneficiaries of basic municipal services;
- the process employed by municipalities to identify indigents; and
- the directorate within a municipality that should ideally be responsible for coordination of both the development and the implementation of an indigent policy.

Municipalities, in identifying indigents adopt the self targeting approach in terms of which households take the initiative to apply for indigent status. The majority of municipalities adopt this approach. The poverty threshold adopted by the municipalities varies, ranging from a minimum of R800.00 to a maximum of two state pensioners income (R1, 560). Some municipalities do not specify the threshold amount and rely on a determination by council. Compared to other provinces there is very little movement by municipalities in the province towards applying the principle that "housing is a good indicator of poverty" as a manner in which to identify indigents.

Municipalities seem to adhere, predominantly, to the monthly 6 kilolitres requirement in respect of water services. Regarding electricity, the support differs amongst the municipalities with the majority complying with the monthly 50kWh requirement, whilst others are silent. In respect of the rest of the services such as refuse removal, assessment rates, sewerage and sanitation, compliance is very minimal. In instances where there is provision, the support is in the form of rebates, the percentage amount of which varies from one policy to the other.

Furthermore, municipalities are either silent or identify grants of the equitable share allocation as their only method of financing the provision of the basic municipal services identified above. Infact, almost all municipalities rely on the equitable share as the only source for financing the support. Reliance on equitable share allocation as the only form of funding for indigent support can in the long term, negatively impact on the sustainability of the support.

It also transpired that:

- most municipalities have policies but what they implement varies. It could be that the policies have not been updated or there is lack of proper reference by municipalities;
- there is inconsistency on the nature and scope of support provided;
- there is minimal understanding of the national policy framework that informs indigent policies which leads to inconsistency between the municipalities policies and national policies;



In light of the above, the framework focused mainly on the following:

- a discussion on the scope and mandate of municipalities having regard to the legislative and policy framework, as a means to inform municipalities on the level or standards that have been set by the reporting department (dplg) and sector departments.
- a guide as to what threshold or qualification criteria, amongst others, municipalities should follow to qualify indigents and the circumstances under which and period within which such threshold or criteria can be reviewed;
- the nature and scope of services, with particular emphasis on whether their obligation is just the provision of services to those indigents with infrastructure in place or it extends to infrastructure development. The municipalities mainly deal with providing support to those who have the necessary infrastructure thereby excluding the majority of indigents;
- providing options on the process which municipalities can follow in identifying indigents taking into account the limitations associated with the self targeting approach;
- municipalities should also rely on other sources of funding other than equitable share allocations such as donations, internal resources and cross subsidization;
- emphasis on alignment of indigent debtors in terms of arrear accounts and interest with enforcement of credit control measures, a process beyond the scope of this report;
- developing measures that ensure that the policies in place do not only address poverty but seek to eradicate and alleviate the causes thereof;
- lastly, recommendations on the directorate that should be responsible for coordination and reporting on the process of development and implementation of indigent policies, taking into account that there are various functionaries that play a role in the process.

# NATIONAL GUIDELINES ON INDIGENCE

National policies/guidelines were reviewed in order to establish the extent to which indigent policies of municipalities endorse the principles therein contained. Below is an analysis of the principles and the recommendations made by the various national policies. In summary, the nature and scope of services recommended by the various policies are:

RECOMMENDATIONS MADE BY THE POLICIES vs. PROVISIONS OF THE INDIGENT POLICIES DPLG GUIDELINES							
6 KL Water	On site sanitation system	Protection from flooding (drainage and storm water management)	5 amp connection	Weekly communal refuse collection	200m from household	Roads and public transport	Access to libraries, community halls and recreation facilities
	WATER REGULATIONS EBSST POLICY WATER AFFAIRS POLICY						DLICY
6 KL Water (10L per min) 200m from household 7 days of supply pa			-	50kWh	Α	at least 25L per person	per day



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### **DPLG Guidelines**

The Municipal Systems Act mandates the Department of Provincial Local Government (DPLG) to issue guidelines or regulations which serve as a guide for municipalities' indigent policies and provide guidance, amongst others, on the development and implementation of municipalities' indigent policies. Municipalities are required to ensure that their indigent policies are consistent with their rates and tariff policies and national guidelines. This framework is limited to the extent to which national policies are consistent with national guidelines and does not extend to municipalities' tariff and rates policies and credit control policies, debt collection policies included.

In response to the above, the DPLG issued its guidelines, which suggest that municipalities must adopt the concept of "targeting" defined as "getting the subsidy to the right people, the people who really need it... and administering the subsidy in the cheapest way possible". This concept entails five key stages which are: identifying the target, deciding the value of the subsidy; designing the subsidy; implementing the subsidy; and monitoring, evaluating and reviewing the impact of targeting.

In order to identify the target group, the municipality may first ascertain the extent to which the target group can access the services and reasons thereof. The measures recommended by the guideline to define an acceptable level of access to services relates to the scope of services set out in the table above.

The reasons generally tabled for lack of access to services are:

- Income (poverty line of R800.00 per month per household)
- Social reasons such as gender, age, foreignness and disability; and
- Environmental related reasons, the term broadly used.

As an alternative to these attributes of access and reasons, the municipality can consider a data gathering process independently of the targeted group such as from census or directly from the targeted group through an application and registration process.

In respect of the value of the subsidy, the DPLG Guidelines suggest that the municipality should ascertain the budget and the contribution by the indigent towards costs of providing the service. The recommended formula is dividing the budget by the number of indigent households.

Attached to value is the source of funding. The DPLG Guidelines suggest that the sources of funding can either be internal or external. The former refers to monies that emanate from the municipality's own resources and the latter refers to funds received from provincial and national government, currently in the form of grants.

The manner in which the service must be delivered to the targeted group is referred to as design. The suggested delivery mechanisms are cash transfers; issuing vouchers; self selection which takes place when a person requests particular basic services from the municipality and the municipality provides the services at a subsidised rate; and through billing in terms of which the subsidy is deducted from the total bill and the targeted group only pays for excess consumption.



# Water Services Framework

The recommendations that emanate from this policy are that the monthly provision of "basic water services", defined to include sanitation services to poor households should be free of charge. However, consumption in excess of the basic water supply must be paid for by the poor households. In addition, suppliers of water services should consider increasing the basic quantity of water provided to poor households free of charge, currently being 25 litres per person per day (6 kilolitres), to at least 50 litres per person per day (12 kilolitres).

Financing for the provision of free "basic water services" can be obtained from local government equitable share as well as through cross-subsidisation between users.

# **EBSST** Policy

In terms of this policy, free basic allocation of electricity units, currently set at 50kwh per month, should be made available to all qualifying households that meet the requirements of the self-targeting approach, a similar approach to that recommended by the DPLG Guidelines. This approach requires that poor households apply for a limited electricity supply in order to be eligible for the free basic electricity allocation or that the responsible electricity supplier identifies households consuming, on average, less than a pre-determined amount of electricity per month and then automatically apply the free basic electricity allocation to such households.

This method is recommended as it is more suitable for implementation by municipalities, it can easily be applied to credit or pre-payment meter services, will more accurately identify poor households, and is less costly to implement and fund.

The standard rates and tariffs should only be applicable to indigents if the monthly consumption exceeds the free allocation. In addition, indigents should be prohibited from carrying over free basic electricity allocation or any portion thereof from one month to the next unless the supply is metered.

Implementation of the above recommendations should be funded through transfers from local government, or by means of a cross-subsidy from high electricity consumers.

#### **Draft Guidelines on the Municipal Property Rates Act**

According to these Guidelines, for purposes of granting exemptions, rebates and reductions in respect of owners of categories of properties, such categories must include: (i) the indigent owners; (ii) owners dependent on pensions or social grants for their livelihood; (iii) owners temporarily without income; (iv) owners of property situated within an area affected by a disaster and any other serious adverse social and economic conditions; (v) owners of residential properties with a market value lower than an amount determined by the municipality; (vi) or owners of agricultural properties who are bone fide farmers.

In order to implement the Act, municipalities are required to develop and adopt rates policies, strengthen internal capacity to conduct valuations, prepare general property valuation rolls, consult the community on their draft rates policies, adopt by-laws to give affect to the adopted rates policies, gazette the property valuation rolls for public inspection outlining also the process raising for objections, and to the public the appeal process regarding outcome of objections.



The Draft Guidelines recommends that municipalities target indigents through their rates policies within their own jurisdictions and ensure that they are not overburdened with rates liabilities, and that their properties are never attached and sold due to liability to settle rates liabilities.

In summary, in terms of the legislative and policy framework, municipalities are mandated to:

- provide free basic water, free basic electricity, exemption, rebates or reduction on property rates, sewerage
  and refuse removal. In this regard, both national and local government policies recommend, amongst
  others: (i) a minimum quantity of potable water of 25 litres per person per day (6 kilolitres per month) at a
  minimum flow rate of not less than 10 litres per minute, within 200 metres of a household and with an
  effectiveness such that no consumer is without a supply for more than seven full days in any year, (ii) an onsite sanitation system, (iii) a 5 amp electricity connection, (iv) weekly communal refuse collection, (v) free 50
  kWh of electricity per month, (vi) access to and availability of roads and public transport, (vii) protection from
  flooding and (viii) free assessment rates and taxes for a category of persons or property within a defined
  threshold/value.
- follow the self targeting approach to identify indigents.
- use the identified method/s of funding as their source of funding the support taking into account that in terms of both the Constitution and the Systems Act, the support provided must be within the financial means of the municipality.
- define an indigent as:
  - the category of people being the unemployed, disabled and pensioner who are unable to pay the full costs of the average municipal account;
  - those households, who due to a number of socio-economic factors are unable to make a full monetary contribution toward services;
  - use the total income of the household to define an indigent;
  - that person who, due to a number of factors is unable to pay full economic cost of basic municipal service.
- use a pre-determined threshold of household earnings, determined by the municipality from time to time or the value of the property based on a set threshold as recently introduced by the Rates Act.

In respect to the identification of an indigent, the recommendation emanating from National Treasury Budget is that the poverty threshold should be R800 00 which is based on the number of poor households without access to basic municipal services and the number of poor household spending less than the said amount. Further, municipalities should consider adopting a self targeting approach.

Evidently, National policies seek to amplify the provisions of the legislative framework by providing guidelines on the following:

- definition of an indigent;
- the nature and extent of basic municipal services (indigent support);
- the process to be followed in identifying indigent (development of indigent register); and
- the funding for the support



# **DEFINITION OF AN INDIGENT**

# Introduction

In recent municipal discourse in South Africa the term 'indigent policy' has tended to refer to a policy on how chronically poor households should be dealt with in relation to the generation of municipal income.

The DPLG guideline recommends that an indigent must be defined by the means test, that is, setting an income threshold for each household or breadwinner. This is also the same test currently used by government (Department of Social Development) in providing social assistance (grants). The threshold which has been set by National Treasury in defining a poor person is R800.00 per month.

The statutes applicable to municipalities which are the key guiding instruments for municipalities use the term Indigent. The term is used interchangeable with the term "the poor". Both terms are however used without necessarily providing a definition. There is therefore no firm guide from the legislative framework (except for the DPLG and EBSST Guidelines which recommend the means test) on the criteria to be applied in order for applicants to qualify as indigents, evident from the different benchmarks applied by municipalities and the various criteria municipalities implement such as a fixed income threshold which equally varies, two state pensions and an amount determined by council annually, or a combination of the two or all of the above.

### The means test

The most recognised method by municipalities is the poverty threshold. All municipalities in the province use, as per illustration in the Table below, the means test to define an indigent. The threshold however varies from one municipality to the other; the lowest being R800.00 per month and the highest currently at R1, 560.00 per month.

Number of Municipalities	Threshold						
	R800.00         R850.00         R1,000.00         R1,100.0         R1,200.00         R1,560.00         Not					Not provided	
	4	1	1	13	1	2	5

At the various consultations municipalities have predominantly adopted this test and have agreed on the threshold at a district level. The diagram below indicates the threshold preferred by municipalities.



Most commonly, municipalities' indigent policies adopt a narrow approach, seeking to define indigence in terms of a particular household income level, administratively identify households falling below this level, and provide them with a grant to facilitate their payment of the municipal account. Further, this is extended to refer to how debt management policies and tariff polices (credit control policies) would be applied to the defined households.

There are various problems associated with using income levels as the criteria for identifying indigents, to mention but a few:

- The method can be ineffective and its outreach is limited;
- Only those who have access to the municipalities tend to benefit thereby indigents located in remote areas would invariably be excluded;
- There is too much dependency on the applicant and too cumbersome for the municipality to verify the information supplied and with no or limited effort by the municipality.
- Household income alone is not an adequate indicator of indigence;
- Administratively, means testing individual indigent households to identify income levels is not feasible given the huge proportion of citizens who might legitimately be termed indigents;
- The definition of an indigent must take into account that some indigents live in farm compounds which would necessarily exclude them from benefiting.
- In defining a household, the municipality must be aware that some applicants would not necessarily be owners of property and cannot, as a result thereof be excluded from the support.
- Aside from the notorious unreliability of income statistics, it is also very expensive to undertake and verify a means (income) test for every potential recipient of municipality's indigent support.
- If means testing is to become the mechanism that triggers the release of the indigent grant it is not unrealistic to suggest that the cost of administering means testing would so substantially reduce the benefits as to make the whole municipality indigent policy undesirable and impractical.
- Invariably, as it has also transpired during stakeholder consultations, municipalities adopt this threshold without necessarily ascertaining its relevance and applicability to the community to which it applies or the very some indigents municipalities sought to support.

If however a municipality intends adopting this approach as its indicator for poverty, the municipality may consider adopting the following:

- Municipalities in the province have adopted the R1 100 R1 300 per household per month as the threshold for qualifying indigents. However, each municipality must at least ascertain the poverty levels in its jurisdiction prior to determining the threshold;
- The definition of the threshold must be linked to the definition of a household since the services are provided to a household. This definition must be based on the average number of members of a household in the municipality's jurisdiction and not on national statistics;
- Income must be broadly defined to include grants and indirect income such as support by a family member;
- Since, there are no statistics, either at provincial level or at the municipality (local) level to support the threshold adopted by municipalities as per the diagram above, the municipality would have to undertake its own survey in order to fill this gap.



# Housing as an indicator of poverty

Aside from income there are very real housing inequalities inherited from the apartheid regime that have lead to a suggestion that housing type is a very good indicator of poverty. Indicators of poverty such as levels of health, sanitation, education, crime and overcrowding vary across housing types within each municipality. Household access to infrastructure, jobs, health facilities, schools and even recreational areas equally vary widely with different housing types and neighbourhood areas. There are general ways of characterising poverty across the housing types, but any suggestion that backyard residents, shack dwellers or those living in RDP housing or rural areas are better off than town house dwellers or those in suburbs would be clearly inaccurate.

It is therefore certainly true that poverty is closely linked to particular forms of housing especially backyard shacks, hostels and RDP units, informal settlements and those living in rural areas. However not all residents of these types of housing are poor. There are examples of select few elderly people who lives in better housing in rural areas especially those supported by breadwinners. Thus housing type is probably a fairly accurate indicator of poverty, it may also be the best mechanism for targeting indigent support in the province especially that a large proportion of the population of the municipality lives in rural areas, taking into though that it may be that only a select few would dilute the accuracy of the outcome.

The recently promulgated Rates Act provides for a similar manner of defining an indigent, being a house (dwelling) with a value less than a determined amount. The Rates Act currently requires municipality to provide free support in terms of exemptions, rebates and reduction of assessment to all occupants of houses with a value of less than R15 000 00. This can only be implemented if the municipality has developed its Valuation Roll, a statutory requirement for all municipalities in terms of the Rates Act.

If the municipality intends to adopt this approach of defining the indigent, this framework recommends the following:

- The Rates Act currently requires municipality to provide free support in terms of exemptions, rebates and reduction of assessment rates and taxes to all occupants of houses with a value of less than R15 000 00.
- Therefore, all households residing in a house valued at less than R15 000 00 should automatically qualify for indigent support, that is, they should automatically be given the status of an indigent. The question therefore is "should persons living in houses valued at more than R15 000.00 be excluded from the definition of an indigent?" Another question that would naturally follow is "whether the R15 000.00 threshold should be applicable to everyone irrespective of their circumstances and the location". Since, this is a statutory requirement, it can be argued that municipalities have no option but to provide rebates or exemption to anyone that owns or let property valued at less than R15 000.00.
- In terms of the former question, it may happen that a person owns and/or lets property valued at more than R15 000.00 However, he/she still lives below the poverty line in terms of affordability. In this situation, the municipality can use the means test to qualify the person as an indigent. In applying the means test in this regard, the municipalities cannot adopt a common approach or rather a common threshold. The threshold has to be informed by various factors such as the cost of living. An alternative which would be less cumbersome is for municipalities to avoid applying a combination of the two principles and rather to increase the threshold to more than R15 000.00 in order to ensure that their policies are not exclusive and cover a broader spectrum of indigents, which would be more recommendable than applying a combination of the two principles, that is, the value of the house plus the means test.
- The value of the dwelling cannot be prescribed as this will depend on the dynamics of each municipality.



What also motivates for this approach is that most municipalities in the province do not have a Valuation Roll. Ultimately and in order to comply with the Rates Act, the municipalities will have to compile the roll. As stated earlier, the most effective method of data collection is through survey. A survey for compiling an indigent register does not differ significantly from that of compiling a valuation roll. The main difference being the income threshold in respect of the former as opposed to the value of the dwelling. There is therefore no need for municipalities to duplicate effort and cost by compiling both a valuation roll and an indigent when the two can be combined in one process.

# NATURE AND EXTENT OF SERVICES

The most common services, covered by municipalities generally are: water; electricity; waste removal; a circuit breaker; assessment rates and sanitation. The common free basic services that are provided by various reviewed municipalities within the province are water, onsite sanitation, weekly collection of refuse and electricity. Invariably, the support indigent should be defined broadly to incorporate a broader range of beneficiaries and a package of services that ensures that the basic needs of the poor are met, and their rights upheld. However, developing such a policy would require cooperation of various government departments and therefore this framework is limited to how indigent households should be dealt with in relation to the generation of municipal income.

The statutes require municipalities to provide basic municipal services, defined as services which if not provided would endanger the lives of the people. The question is what services, if not provided would endanger the lives of the people. There has not been any case law that would provide direction on this issue. Therefore, the best guide for municipalities would be National Guidelines issued by the various departments. The DPLG Guidelines, the Water Regulations and the EBSST Guidelines provide a clear guide in this regard.

In addition to the above, municipalities must be cautioned that the right to water is a constitutional right entrenched in our Constitution which perhaps limits the discretion of municipalities to refuse providing this service. As stated above, there are Regulations in place which clearly define the scope of services.

# Water and sanitation:

The recommended services in respect of water and sanitation are:

- a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month at a minimum flow rate of not less than 10 litres per minute;
- · located within 200 metres of a household; and
- with effectiveness such that no consumer is without a supply for more than seven full days in any year.
- An on site sanitation system;
- adequate protection from flooding (drainage and storm water management);



Water Services	
Basic water supply facility	The minimum requirement is communal water points (taps); or boreholes or a tuckering system as an alternative to those households without infrastructure such as in rural areas. Depending on the financial ability of the municipality, or if the household has water infrastructure, the municipality must provide formal connections, th at is, yard or house connections.
Basic water supply service	25 litres of potable water per person per day in each household shall be provided. The support must be provided within 200 metres of a household and with a minimum flow of 10 litres per minute.

Sanitation Service	s					
Basic sanitation infrastructure						
Basic sanitation service	<ul> <li>The various service options which the municipality may provide in rural areas or areas without infrastructure include: <ul> <li>Removal of human waste and wastewater as and when necessary.</li> <li>Ventilated Improved Pit Toilet (VIP).</li> <li>Ventilated Improved Double Pit Toilet.</li> <li>Urine Diversion Toilet.</li> </ul> </li> <li>In instances where there is infrastructure, access to waterborne, sewerage will be provided.</li> </ul>					

# **Electricity:**

It is questionable whether this service falls within the definition of basic municipal services. However the EBSSY guidelines provide some guide in this regard. Most municipalities' policies follow this recommendation and in line with the Systems Act, it is in any event advisable that municipalities follow the national guidelines.



The requirements are 50 kWh per month, per household; and at least a 5 amp electricity connection.

Energy	
Facility	The municipality must supply an indigent household with a maximum of 10amp circuit breaker.
Basic energy service	<ul> <li>For all households that are currently on the Grid, an amount of 50 kWh per month is the minimum that must be allocated to each household.</li> <li>In the event that there are households which are not on the Grid, an amount of not less than R55 00 per hous ehold per month must be allocated to each household for free basic alternative forms of energy.</li> <li>Alternate forms of energy include: <ul> <li>Paraffin</li> <li>Liquefied Petroleum Gas (LPG)</li> <li>Candles</li> <li>Firewood</li> <li>Bio-Ethanol gel</li> <li>Coal</li> </ul> </li> <li>Solar panels shall be provided and subsidized at a cost of R48.00 per month depending on the circumstances of the municipality.</li> </ul>

# **Refuse removal and disposal**

Refuse Removal						
Basic refuse removal infrastructureThe municipality must provide households dump waste in mass containers at a communal site plus a disposal site.						
Basic refuse removal and disposal service	The removal of refuse from the communal site and disposal to a landfill site; or					
The removal of refuse from each property located within municipality's radius of collection and disposal of th landfill site.						
	Refuse removal and disposal shall be done weekly, free of charge.					



#### Rates and taxes:

There are clear provisions in the Rates Act which obliges municipalities not to charge rates on properties valued at less than R15 000 or such other value determined by the Minister from time to time. The recommendation is however that identified indigents should not only qualify for rates and taxes exemption but for all indigent support provided by the municipality.

Assessment rates and	The municipalities in the province have agreed to exempt all indigents
taxes	from payment of rates and taxes irrespective of the value of the
	property.

#### Limitations on indigent support

Despite the recommendations above, it should be noted that the Systems Act has a caveat on the extent of support which municipalities are obliged to provide. This relates to the ability of the municipality to afford the indigent support. This can be used as a means by a municipality for limiting its support.

However, while an indigent policy must begin with attention to the income streams of the municipality, financial viability should not be the sole objective or only end point of municipal indigent support. Other significant principles which require consideration by municipalities regarding the nature and scope of support include:

- Most municipalities dealt with certain services in the form of rebates granted to indigents. Clarity should
  always be provided regarding services such as refuse removal which do not necessarily require a negative
  action on the part of the municipality that is granting rebates to the indigents but rather provision of the
  actual weekly collection of refuse and then rebates in respect of such collection.
- Providing for the requirement that indigent support should not be limited only to beneficiaries that currently have the infrastructure to receive the support. There might be a need to impose an obligation on municipalities to extend the support to qualifying beneficiaries that currently do not have the infrastructure.
- Any consumption in excess of the support is for the account of the indigent.
- Further, the Systems Act allows municipalities to disconnect electricity on account of non-payment. These
  provisions have been carried over to the policies of municipalities and no special treatment is given to
  indigents, however, some municipalities would provide the service on condition that the household is on a
  pre-paid system or agree to installation of same.
- There is a need to emphasise that the obligation of municipalities extend beyond providing the support to include ensuring that communities have the infrastructure required in order to provide the support.

### Indigent debtors

The municipality has the legal obligation to take effective action to address arrears owing to the municipality. Accordingly, indigents should be:

- liable for any amounts due as a result of consumption in excess of the indigent support;
- the municipality's tariff shall be applicable in respect to all excess consumption.



# Withdrawal of the support

The municipality should ideally be entitled to withdraw any approval and/or indigent support provided, the indigent:

- failed to comply and/or contravened the provisions of municipality's policy or any other laws, regulations, bylaws;
- failed to comply with any condition/s imposed by the municipality;
- provided the municipality with false and/or incorrect information;
- furthermore, the municipality can withdraw the death of the person registered as indigent, provided the other persons who are members of the household are entitled to apply if they qualify as indigents;
- if the indigent sells his property in which event the support shall however be transferred to the new property. In this regard, the indigent shall be obliged to notify the municipality of the change of address;
- the indigent status improves in terms of income i.e. earns more than the set threshold;
- if the indigent failed to pay for the excess consumption of subsidised services support under the following circumstances;
- any other circumstances which justifies the withdrawal of the indigent support but have not been specifically
  provided for.

# THE PROCESS FOR IDENTIFYING INDIGENTS

The DPLG Guidelines, in line with the rest of the guidelines, recommends that municipalities adopt a self targeting approach to identify beneficiaries of indigent support. They can however also use other sources such as census statistics. Almost all municipalities have adopted this approach, understandable so, as it is easy and cheaper to implement for municipalities.

The Rates Act however imposes a statutory obligation on municipalities to develop Valuation rolls. There are various methods suggested to develop this roll such as the following:

- physical inspection of the property to be valued, which is optional;
- comparative, analytical and other systems or techniques may be used, such as aerial photograph and computer-assisted mass appraisal systems or techniques, taking into account changes in technology and valuation systems and techniques; and
- mass valuation system or any other technique approved by the municipality

The method most recognised as effective is the physical inspection (survey). Perhaps some of the methods cannot be sufficiently implemented unless the survey has been done particularly for municipalities that would be developing the valuation roll for the first time and to ensure that all the information required in terms of this Act is incorporated in the valuation roll.

Most municipalities in the province have not developed valuation rolls as required in terms of the Rates Act. The process that municipalities would follow in identifying an indigent should not be different from that of developing of an indigent register especially for purposes of developing the first valuation roll, hence the recommendation for municipalities to use this process. Municipalities can therefore use the roll to identify indigents based on the value of the household. It would be a duplication of effort and cost for municipalities to undertake a survey for both a valuation roll and an indigent register.



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Should the application process which includes a registration process, be the option the municipalities wishes to utilise, the following may assist:

- The municipality should facilitate possible partnerships with other stakeholders (national, provincial departments and other agencies) so that communication, registration and verification processes of indigent households can be shared.
- The Provincial Departments of Social Development run a registration process where the economies of scale can be achieved between the municipality and this Department.
- The executive mayor's Office should request and facilitate the community development workers (CDW) and ward structures involved in the municipality's registration process.
- It may be necessary for the municipality to establish a number of registration sites to accommodate the
  indigents who are not able to travel or who cannot be accessed via other means (such as ward committees,
  CDW's or civil society or traditional leaders). In these instances, the municipalities may investigate utilising
  offices utilised by chiefs as registration points. The Ward Committees, CDW's and civil society should be
  prepared by the municipality on how the indigent registration process will be conducted and what role they
  should play. Municipalities may opt to use these structures as more
  then means information discomination points but as actual registration points.

than mere information dissemination points but as actual registration points.

- If the municipality has opted to perform an indigent registration process they need to ensure that there is integration between the indigent data collected as part of the registration drive (which is then verified and approved) and the municipality's financial systems.
- The municipality should establish a communication process which informs the community of the requirement to register and the implications for failure thereof and to also manage feedback from indigent households and other structures established to assist the indigent policy process.
- There is no defined process which municipalities can follow in conducting the survey. The above provides the various stages which the municipalities may follow in developing a register. In respect to each stage of the process there are various actions which are critical to the success of the survey.

Below is a suggested summary of the various actions. The list is by no means exhaustive and the responsible directorate is advised to use its discretion depending on the dynamics of its municipality.

The municipality can utilize certain intermediaries which can be very effective as means of communication.



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Intermediaries could be churches, NGO's and advice centres. Intermediaries are typically places that people go to for advice and support. Such intermediaries can be very 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 to the relevant places for registration.

These intermediaries should be more than communication points, but they should also be trained to understand and impart knowledge on the registration process so that they can be effective access points. The diagram below sets out the structures should ideally be involved in a municipality's institutional arrangements to develop and implement the indigent policy:

Guidel Indige	Guidelines for the implementation of the National Indigent Policy : Indigent Application and Verification								
	Municipality Service Departments	Municipality Finance Department	Municipal Manager	FBS Management Team	Ward Councillor	Other Registration Sites	Ward Committees / CDW	Civil Society	Indigent Household
		Witcaso			Denied -	Collects applicatio	ns and returns them to municipality	+	BEGIN A Applies for relief
	Activation of indigent benefits	Approved Inclusion on financial systems Notice of application being approved			Denied	Only one appeal per y	ce of application being denied		Notice to indigent household Appeal the denial

Generally the survey forms will include the following information depending on the requirements of the municipality:

- A completed application form duly signed;
- Proof of residence within the municipality's jurisdiction;
- A copy of the applicant's identity document;
- Full names, identity numbers and age of dependants (household members);
- A sworn affidavit confirming the correctness of the information contained in the application form and that household income from all sources has been declared;
- If the applicant is employed, a copy of the latest pay slip must be submitted or any other proof of income or a copy of pension payment advice;
- Proof of ownership of the property where services are to be provided or a copy of the rental agreement;
- A sworn affidavit by the tenants, if any confirming the amount of rent they pay to the indigent;
- A social worker's report, if applicable and shall be provided at the request of the municipality;
- Proof of registration as unemployed from the Department of Labour (in respect of unemployed), if any



- Electricity and water meter numbers, if any;
- Copy of latest bank statement (where applicable);
- Recent municipal account/statement, if applicable;
- An applicant who is an heir of a deceased person's (indigent) property must in addition to the information required above, provide:
  - A copy of death certificate;
  - A copy of Deed of Grant;
  - Proof that the property was inherited by the applicant, if applicable
  - Certificate of appointment as an executor of the estate of the deceased from the Magistrate, if applicable.
- Furthermore, in respect of dependants or household members, the applicant must provide additional information such as full names of the household members; and copies of birth certificates or identity documents. This information will also assist the municipality to assess the extent to which remedial intervention is required in respect of the applicant. Intervention could include advising the applicant to approach Department of Social Development, for example where the household members qualify for a particular grant by the Department.
- The Municipality may request any additional information which it considers necessary and may inspect the
  property occupied by the applicant and in respect of which municipal services are rendered or are to be
  rendered to assess the merits of the application.

### **Renewal of indigent status**

Of paramount importance or may be concern is the period within which municipalities require indigents to reapply for qualification. Six months or even twelve months period is too short and cumbersome for the municipality and the indigent. Two years would be the renewal period, as the Rates Act obliges that the roll be updated every two years, without however, limiting the intervention of the municipality during the two year period.

Most municipalities in the province have agreed to a two year period for renewal of indigent status. This however does not limit the municipality from updating the register as and when required such as in instances where the indigent informs the municipality of change in status.

# **FUNDING**

South Africa is characterised by extreme inequality, and there is a clear delineation between the rich and poor. This makes it easier to distinguish between the poor and the elite group, which provides a convenient platform for cross subsidization between services, to bridge the divide. Hence, the Systems Act acknowledges the need to differentiate between the poor and the rich and the nature of services that must be provided to them, amongst others. The principle of cross subsidization is expressly provided for in the Systems Act, the various national policies, impliedly in the Constitution and except the DPLG Guideline. It however remains a distant possibility that this principle can be implemented effectively, without first dealing with municipalities' revenue management problems and most importantly, ensuring that there is credible data to rely on for implementation of the support.

Local and national government strongly support that funding for the provision of basic municipal services to the poor should come from internal resources of municipalities; inter-governmental transfer of allocations (both equitable share and municipal infrastructure grants, national grants and sector departments); and cross subsidization between services and from other consumers, particularly high level income consumers of municipal services.



There is great reliance by municipalities on the equitable share allocation. Municipalities are urged to consider other sources which if effectively applied can generate revenue to finance not only the support but also the infrastructure required in order to provide the support.

### **IMPLEMENTATION OF INDIGENT SUPPORT**

The key focus of this section is to recommend the relevant directorate that should be responsible for implementation of the support and highlight the overlaps which tend to surface in the implementation process and the manner in which the municipalities can deal with such overlaps.

The following diagram illustrates the organisation structure, and highlights those specific Services and Directorates that will be directly impacted by the implementation of the Indigent Policy.



Within the municipality, the implementation of the indigent policy will have a significant impact on the way in which many of the services and various directorates identified above currently operate. In addition, interaction between the Municipality and its community can be cumbersome, with customers needing to know and move between many touch points in order to interact with the Municipality. This is illustrated in the table below:





Community services which is the directorate recommended to provide customer care services must be aware that a failure in any one of these dimensions is likely to have considerable spill-over effects, resulting in the failure of other directorates. In order to effectively implement the indigent policy, the key organizational design concepts that need to be considered are as follows:

- The proposed organizational structure which is responsible for the execution of the indigent policy needs to make it easier, faster and friendlier for indigent people to interact with the municipality, with a total dedication to customer satisfaction;
- The proposed organizational structure is a "One-Stop" shop where indigent people can find assistance for many municipal services, such as water, electricity, sanitation, refuse, housing, credit, arrears and pre-paid technology;
- The proposed organizational structure can act as a catalyst for availing access to programmes provided by other government departments identified below.

There are a number of different steps that need to be considered during the development and the implementation of the indigent policy to ensure a smooth integration of services and proper customer (indigent) care support, namely:

- Large numbers of meters must be read accurately and regularly each month;
- Households and the person responsible for payment must be properly identified;
- Accurate property value assessments must be done for rating purposes (development of the roll);
- Where indigent grants are given to poor people, mechanisms required to target these, must be well designed failure of which can lead to huge administrative burdens;
- Accounts must be generated timeously and accurately and printed; they must be delivered through other means in areas where often the performance of postal services is erratic;
- Accounts will often have to be explained to those who cannot understand them, or cannot read;
- Accessible points must be provided where consumers can pay and revenue must be collected safely;
- A sound receipting system must be in place to prevent fraud and ensure clarity in the case of disputes;
- Those who do not pay timeously must be followed up and appropriate sanctions applied;
- Where pre-payment systems are in place the infrastructure and administration of this must be managed.
- An effective communication campaign must be in place and implemented prior to commencement of the development of the register.

### **REMEDIES TO ALLEVIATE POVERTY**

There are various government departments that are currently providing support to the poor either similar or different from that provided by municipalities. It is vital for municipalities to align their processes and coordinate efforts with these departments. The Department of Social Development is one of the departments that the municipality can coordinate efforts with. The framework has covered in detail below the nature of support and manner in which qualifying beneficiaries are identified. A summary of the support is set out in the table below.

Department	Support	Amount	Targeted Beneficiary
	Child support grant	R200.00	Children under the age of 14 years
	Old age grant	R870.00	Male of 65 years or older; female of 60 years or older
	Disability grant	R870.00	Disabled male persons between the ages of 18-64; disabled female persons between the ages of 18-59
	Care dependency grant	R870.00	Disabled children between the ages of 1-18
	War veterans grant	R888.00	Persons aged of 60 years and cannot provide for his/her own maintenance in any naval, military or airforce service between 1914 - 1939
Social Development	Grant in aid	R200.00	A person due to his/her physical or mental condition requires regular attendance by another person.
	Foster child	R620.00	Foster children under the care of foster parent(s) due to orphanage, parents cannot be traced, etc.
Labour	Unemployment Insurance Fund	Depends on the amount of employee's	<ul> <li>Contributors or their dependents due to illness.</li> <li>Unemployment.</li> <li>Adoption</li> <li>Death</li> </ul>



Department	Support	Amount	Targeted Beneficiary
Labour	Compensation Fund	<ul> <li>Determined by the fund:</li> <li>Medical care</li> <li>Replacement of last wages</li> <li>Funeral grants</li> <li>Survivor benefits</li> <li>Rehabilitation of disabled workers</li> </ul>	<ul> <li>Job loosers</li> <li>Injured worker</li> <li>Occupational diseased workers</li> <li>Victims of employment fatalities</li> <li>Disabled workers</li> </ul>
	<ul> <li>Job placement</li> <li>Training</li> <li>Skills development</li> <li>Learnerships</li> </ul>	N/A	<ul> <li>Unemployed</li> <li>Road accident victim</li> </ul>
Transport	Road Accident Fund	<ul> <li>Certain amount claimed</li> </ul>	Road Accident Fund
Housing	Housing Subsidy	R36 528.00 R34 049.00 R36 528.00 R34 049.00	<ul> <li>People earning R0 – R1500</li> <li>People earning R1501 – R3500</li> <li>Aged</li> <li>Disabled or health stricken</li> <li>People earning R0 – R3500</li> </ul>
Public Works	Expanded publ ic works programme: Work opportunities Training	N/A	<ul> <li>Unskilled</li> <li>Unemployed</li> </ul>
Trade and Industry	<ul> <li>Entrepreneur skills</li> <li>Business ventures guidance</li> <li>Financial support</li> <li>Business support</li> <li>Access to finance: Special funds project</li> <li>Skills programmes: science,</li> </ul>	N/A	<ul> <li>New business</li> <li>Women</li> <li>Youth</li> <li>Rural areas</li> </ul>



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Department	Support	Amount	Targeted Beneficiary
Youth Commission	<ul><li>Skills</li><li>Entrepreneurship</li></ul>	N/A	Youth
Umsobomvu Youth Fund	<ul> <li>Business vouchers</li> <li>Skills development programmes</li> <li>Learnerships and job placements</li> <li>Education &amp; training</li> <li>SME funding</li> </ul>	Amount of vouc hers differs according to the service provider of business plans.	Youth between the ages of 18 – 35
Education	<ul> <li>National School Nutrition</li> <li>Programme:</li> <li>School feeding scheme</li> <li>School gardens</li> <li>Food handlers support</li> <li>SMEs support</li> <li>School fee exemption</li> </ul>	<ul> <li>Stipend (food handler)</li> <li>Payment (food transportation)</li> </ul>	<ul> <li>Public schools</li> <li>Rural areas</li> <li>Unemployed women</li> <li>SMEs</li> </ul>
Agriculture	<ul> <li>Community Projects:</li> <li>Poultry</li> <li>Piggery</li> <li>Vegetable gardens</li> <li>Egg Layers:</li> <li>36 pullets &amp; a cage per household</li> <li>Eggs: consumption &amp; sale</li> </ul>	N/A	Rural poor households



Department	Support	Amount	Targeted Beneficiary
	<ul> <li>Lens: sold</li> <li>Fish Ponds:</li> <li>Fish pond per household</li> <li>Fishes: consumption and sale</li> <li>Diary Cows:</li> <li>One pregnant cow per household</li> <li>Milk: consumption and sale</li> <li>Drippers:</li> <li>A drum with drippers per household</li> <li>Vegetables: consumption and sale</li> <li>Other projects still considered:</li> <li>Milk goats</li> <li>Village chickens</li> <li>Water harvesting dams</li> </ul>	N/A	Rural poor households

### **Social Assistance**

Social wages are generally defined as the total value of in-kind benefits received by a person or household from government. In terms of the existing legislative framework, social wage is available, subject to compliance with the prescribed requirements, to the aged, disabled persons, war veterans, children under the age of 18 years and foster parents.

Contrary to the indigent policies of municipalities, the focus of national government in determining the targeted group is not strictly based on income levels, but age and the purpose for which the grant is provided. Hence, ascertaining the financial capability of the applicant is not a key requirement, albeit a part of the criteria national government uses. The Social Assistance Act introduces the concept of a "means test" which is not clearly defined. The Constitution refers to individuals who are unable to support themselves and their dependant, subject however to the qualification. The type of social support or grants include but are not limited to, old age pensions, disability grants, child support grants, war veteran grants, foster child grants and grants in aid.



In addition to the above grant specific requirements, the following requirements are prescribed and standard in respect to each of the abovementioned social assistance:

- must be a South African citizen and resident in South Africa at the time of application;
- attaining a particular age depending on the status;
- passing the means test;
- holding a valid South African identity document;
- must not be a beneficiary of any other social grant;
- in respect to all grants relating to children with the exception of the child support grant, the age restriction is 18 years and younger; and
- in terms of the Social Assistance Act, a beneficiary of one grant cannot at the same time be a beneficiary in terms of another grant.

All qualifying persons are required to lodge an application at the nearest welfare office and in the event that there is no welfare office where the applicant resides, then at the nearest magistrates court offices.

The Social Assistance Act introduces a restriction on transfer, cession, pledging, or encumbrance or disposal of grants unless otherwise approved in writing by the related Minister. Further, the envisaged Social Security Agency contemplated by the Social Assistance Bill can suspend the provision of the grant or appoint a person to receive it on behalf of the beneficiary should the beneficiary be abusing it or misspending it. The value of the grant varies from R200.00 to R888.00 per month per beneficiary.

# **Department of Housing**

The Department of Housing project on RDP housing. They also have programs funded with the EU Social Housing Program subsidizing the low cost and social housing. This department also has a housing subsidy project for qualifying beneficiaries for household earning gross income of R3 500. The grant is only used for the acquisition of housing goods and services for the provisioning of complete houses that comply with the minimum technical and environmental norms and standards.

The Department subsidises people who earns less than R1500 with an amount of R36 528.00 and people earning between R1 501 – R3 500 with an amount of R34 049.00 provided they pay a contribution amount of R2 477.00. The aged, disabled or health stricken are subsidised with an amount of R36 528.00 and people in rural areas earning less than R3 500 are subsidised with an amount of R34 049.00. Department of Public Works

The EPWP Program by the Department of Public Works that coordinates programmes in the infrastructure sector, building on existing initiatives and future initiatives. The EPWP is one of government's short-to-medium term programmes aimed at the provision of additional work opportunities coupled with training. It is a national programme which cuts across all government departments and all spheres of government. Under the EPWP, all government bodies and parastatals are required to make a systematic effort to target the unskilled unemployed. They do this by formulating plans for utilising their budgets to draw significant numbers of the unemployed into productive work, in such a way that workers gain skills while they work, to increase their chances of getting out of the marginalised pool of unemployed people.



### **Department of Labour**

Programs by the Department of Labour to create skills and experience for various industries such as sector training provided at no cost to the trainee; the job placement services project; learnerships; (SETA's) and National Skills Fund which provide skills and promote self employment. The programmes target the unskilled and unemployed.

### **Department of Trade and Industry**

Programs by the Department of Trade and Industry which provide entrepreneur skills; guidance on business ventures; financial and business support. The Department also has access to finance programme which provides special funds to youth, women and people in rural areas for empowerment and business.

Other programmes includes innovation and technology which support sustainable growth, equity, employment, development of skills for science, engineering and technology.

# Youth Commission

Programs by Youth Commission which provide skills, professional and assistances; promote entrepreneurship.

# **Umsobomvu Youth Fund**

Programs by Umsombomvu Youth Fund which provide entrepreneurship skills and finance business ventures, by providing vouchers to young people to enable them finance their business plans. UYF also provides skills development programmes, learnerships and job placements, education and training to youth. Another form of assistance is SME funding which provides loan to young people to start their own business.

### **Department of Education**

National school nutrition programme establishment of the integrated ECD sites in marginalised communities. The programme has the following projects which are supported by the Department of Education:

- School Feeding Scheme where learners are provided with free meals at the public schools.
- School gardens, in terms of which learners are encouraged to plant vegetables with the purpose to support curricular activities, impart gardening and water harvesting skills, supplement school feeding and generate income.
- Job creation: Women from the communities are employed as food handlers to learners and receive monthly stipend which serve as an income to most families. Members of the community of Small Medium Enterprises are hired to transport and supply food to schools.

School Fee Exemption to qualifying households that meet the means test. Certain parents are exempted from paying schools depending on the number of school-going children supported by a caregiver. Schools that do not charge fees will be allocated a larger amount of funding per learner to make up for the fees that would have been charged.



### **Department of Agriculture**

• Micro-Enterprises

These are community based projects where a group of people participate in production. The projects include poultry, piggery and vegetable gardens.

• Egg Layers

The household given 36 pullets and a cage. Eggs produced will be used for household consumption and sold to generate income and buy feed for maintenance of birds/hens. Hens are also sold.

• Fish Ponds

A household is given a fish pond with fingerlings. Fishes produced will be used for household consumption and sold for income.

• Dairy Cows

A pregnant cow is given to a household. The cow will provide milk for household consumption and sale.

Drippers

A drum with drippers is provided to a household. Vegetables produced will be used for household consumption and sale.

The following projects are also being considered:

- Milk goats;
- Village chickens;
- Water harvesting dams

Department of Environmental Affairs and Tourism has two programmes that focus on poverty relief. The first programme is the Waste Management Programme which has a strong poverty relief focus. This programme has a number of projects that created more than seven hundred jobs in eight provinces. The second programme is the Social Responsibility Programme. Its purpose is the creation of temporary employment and skills development opportunities in environment and tourism for unemployed people.

The municipalities must develop a holistic approach link social support to the above program. This is not an exhaustive list and municipalities are urged to forge relationships with the other departments to ascertain any other programs that might help reduce the number of indigents in their respective communities.



### CONCLUSION

The government can extend services to the poor through both infrastructure and free services, however, there is a need to improve living condition, social exclusion and to ensure that policy extends to measures which alleviate dependency on social services and rehabilitation of beneficiaries.

Evident from the above analysis is the fact that the primary purpose of social security is to address poverty levels. Policy making should therefore not merely be curative or compensative as it is currently but should also be preventative and remedial in nature. This also means that fulfilling and promoting indigents would require interference with other aspects of the broader socio economic rights and, maybe an integrated approach (in the long run) with other spheres of social security such as other social welfare services, labour market, housing and education. A similar approach was alluded to in the South African Government v Grootboom case, albeit in respect of access to housing, it applies mutatis mutandis to social support services. In this matter, it was held that:

"The right delineated in Section 26(1) is a right of 'access to adequate housing' ... it requires available land, appropriate services such as the provision of water and the removal of sewage and the financing of all of these, including the building of the house itself.... The state must create the conditions for access to adequate housing for people at all economic levels of our society. State policy dealing with housing must therefore take account of different economic levels in our society"

This is indicative of the fact that indigent support on its own would not go too far in bridging the gap without other complimentary measures in place such as labour, housing, education and health. Municipalities however can, play a vital role in this regard.

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### Department of Local Government and Housing: Municipal Infrastructure Development Branch (Asset Management and Free Basic Services Unit)

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