

# **BA-PHALABORWA MUNICIPALITY**



## **Draft INDIGENT SUBSIDY BY-LAW**

**2021/22**

## **PURPOSE OF THIS BY-LAW**

The purpose of this by-law is to provide a framework for poverty alleviation within Ba-Phalaborwa Local Municipality in line with changing the needs of the Community. The by-law links the Council's Credit Control Policy, Tariff Policy and respective by-laws by providing a support programme for the subsidization of basic services to indigent households.

## **APPLICATION OF THE BY-LAW**

Where this by-law contradicts National Legislation such as conflicts immediately to the attention of the municipality once it becomes aware of such conflicts and will propose changes to the municipality's by-law to eliminate such conflict.

## **PROVISION OF INDIGENT SUPPORT SUBSIDIES**

Indigent Subsidies will be provided by the Council on the following basis:

- [a] Relief will only be provided to those indigent households who apply and qualify thereof;
- [b] The relief must be significant so as to relieve the recipient of an indigent support from the financial hardship of paying fully for services received from the Municipality for a specific period;
- [c] All registered indigents will be granted subsidies on services and property rates levied;
- [d] The indigent will receive a monthly account, which will reflect the amount due and payable;
- [e] The indigent will only be billed on the system;
- [f] The subsidised amount will be reflected against the indigent support vote.
- [g] Subject to annual resubmission by the applicant of the application to Council on the date as determined by Council.

## **APPLICATION AND AUDIT FORM**

An Application for Indigent Household Consumer Subsidy must be completed by all consumers who qualify in terms of this policy.

The account holder must apply in person and must present the following certified copies of documents upon application:

- (a) The latest Municipal account in his/her possession.
- (b) The accountholder's and spouses identity documents.
- (c) Written proof for child headed household consumers or properties inherited must be provided.
- (d) An application form indicating the names and identity numbers of all occupants/residents over the age of 18 years, who reside at the property.
- (e) Documentary proof of income or an affidavit of financial status.
- (f) Statement of monthly income and expenditure.
- (g) Bank statement for past three months of applicant and spouse where applicable.
- (h) Any other proof or confirmation/ evidencing the qualification as indigent.

Application forms must be read in conjunction with the approved Council's indigent policy. All applications must be verified by an official or municipal agent appointed by Council.

The relevant Ward Councillor should assist during the evaluation and verification process of the application together with the relevant officials and local community leaders or ward committee members and or any person appointed by Council in this regard.

The list of indigent household consumers can be made available at any time to the Information Trust Corporation (ITC) for the purpose of exchanging credit information.

If an application is favourably considered, a subsidy will only be granted during that municipal financial year. The onus will rest on the approved account holders to apply for relief on an annual basis.

For the purposes of transparency, on an annual basis, the following key information of the recipient's indigent support will be made available to the public for scrutiny:-

- ❑ Names of household consumers receiving relief for the prescribed period;
- ❑ Stand number where services are rendered to the recipients; and
- ❑ And any other information that the municipality see to be in the public interest.

Any resident may query the qualification of a recipient in writing, within 30 days from the date of publication, to the Council or verbally for further investigation by council

## **SPECIAL TARIFF FOR SERVICES**

The Council may determine the extent of the support for indigent households, subject to the availability of funds and compliance with prescribed criteria for municipal services and amenities.

## **RESPONSIBILITIES OF MUNICIPAL MANAGER**

It shall be the responsibility of the Municipal Manager:

- [a] To create, maintain and update a register of all debtors receiving indigent subsidies from the Council in terms of these by-laws;
- [b] To reflect the indigent status of debtors in the accounting records of the Municipality;
- [c] To advise and keep indigent debtors informed of the approval, amendment, suspension or withdrawal of an application for indigent support in terms of these by-laws and the conditions under which such support will be granted, including the renewal of indigent support applications;
- [d] To report any instances of misuse of the Council's Indigent Policy to the Council for its attention in terms of these bylaws;
- [e] To report at regular intervals as may be required by Council on the progress or otherwise of the implementation of the Council's Indigent Support Programme; and
- [f] To publish a copy of these by-laws, policy and any amendments thereto on the official website of the municipality.

## **RESPONSIBILITY OF COMPLIANCE WITH THESE BY-LAWS**

The indigent debtor is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to the indigent support granted. The indigent debtor is responsible for compliance with these by-laws and policy in respect of matter relating to the use of any water, electricity, sanitation installation and other services provided by Council.

## **APPEALS AGAINST DECISIONS OF THE COUNCIL**

An indigent household, whose application has been declined, may appeal against such decision which appeal procedure shall be laid down within the policy.

## **AVAILABILITY OF BY-LAWS**

[a] A copy of these by-laws shall be included in the municipalities Municipal Code as required in terms of section 15 of the Municipal Systems Act, No 32 of 2000 and shall be displayed on the official website of the municipality;

[b] A copy of these by-laws shall be available for inspection at the municipal offices at all reasonable times;

## **SHORT TITLE AND COMMENCEMENT**

This By-Law is called the Indigent Support By-law of the Ba-Phalaborwa Local Municipality and shall come to force and effect upon promulgation in the government gazette.