

# THEMBISILE HANI LOCAL MUNICIPALITY



## INDIGENT BY-LAW



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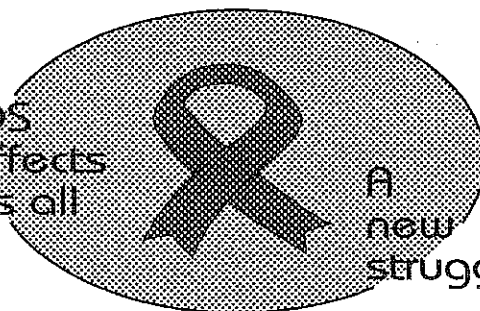
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**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**PART 1 OF 2**



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**THEMBISILE HANI LOCAL MUNICIPALITY INDIGENT BY-LAWS**

In terms of sec 13 of the Local Government Municipal Systems Act 32 of 2000, the Thembisile Hani Local municipality ("the municipality") hereby publishes the Indigent by-laws set forth herein after which have been made by the municipality in terms of sec 74(2) of the Local Government: Municipal Systems Act 32 of 2000.

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## 1. DEFINITIONS

For the purpose of the by-laws any word or expression to which a meaning has been assigned in the Local Government Municipal Systems Act 32 of 2000 shall bear the same meaning in these by-laws and unless the context indicates otherwise.

The following words shall have the meanings hereby:

- “Act”** means the Local government for Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time.
- “Child-headed family”** means a household where the main caregiver of the said household is younger than 18 years of age.
- “Indigent person / household”** A person and / household, who because of their situation (unemployment, old age etc), is not able to contribute financially towards services provided by the Thembisile Hani Municipality.
- “Municipality”** Thembisile Hani Local Municipality.

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

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

## **3. APPLICATION OF BY-LAW**

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

## **4. COMMUNITY PARTICIPATION**

Before the municipality adopts the Indigent by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

- 4.1 Conspicuously display the draft rates by-laws for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)
- 4.2 Advertise in the media a notice a stating that the draft Indigent by-laws has been prepared for submission to council and that such by-laws is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determine annually by the municipality. Property owners and interested persons may submit written comments or representations in the municipality within the specified period in the notice.
- 4.3 Council will consider all comments and /or representations received when considering the finalisation of the Indigent by-law.

## 5. QUALIFICATION CRITERIA

For a household to qualify as an indigent, a household should comply with the following requirements

- The applicant must be 18 years of age and above
- The total household gross income of all occupants must be less than two (2) state pensions combined per month in alignment with the government subsidy.
- The applicant must have an active account with the municipality
- All households that are child headed can also apply for indigent support
- The registered must be both the owner or the occupant of the property concerned
- In a case where the account holder is deceased, the applicant must produce a letter of authority on the property.
- Non-profit organizations (NGOs) within the Thembisile Hani Municipality
- The applicant must own a single property.

## 6. APPLICATION AND REGISTRATION PROCESS

Applications for relief must be made on the prescribed forms provided by the finance department within the Municipality.

The application form is to contain inter alia the following important information:

- Details of the account holder
- Proof of income
- Proof of residence
- Certified copies of identification documents and
- Number and names of dependants



## 7. APPROVED HOUSEHOLDS WILL BE ENTITLED TO:

All approved indigent will be subsidized with

- 7.1 A maximum subsidy as approved by Council from time to time per indigent household to cover basic services (e.g. rates, refuse, sewerage and electricity)
  - 7.1.1 Electricity determined by Council - 50kwh of basic electricity shall be provided to all indigent households.
  - 7.1.2 Water - Free basic water service as determined by council shall be provided to all indigent households within the Thembisile Hani Local Municipality to a maximum of 6kl of water per month.
  - 7.1.3 Refuse - The same service shall be rendered as to other households.
  - 7.1.4 Sanitation - The same service shall be rendered as to the other households.
- 7.2 Council will determine the amount of targeted subsidies on a yearly basis which may vary between categories of indigent consumers.
- 7.3 Furthermore, alternative energy will be provided to household with no electricity connection.
- 7.4 All tariffs change annually
- 7.5 All outstanding arrears of the approved indigent will be written off against the provision for bad debts annually.
- 7.6 if an indigent consumer's consumption or use of municipal service is less than the subsidized service or free basic service, the unused portion may not be accrued by the customer and will not entitle the customer cash or rebate in respect of the unused portion
- 7.7 If an indigent consumer's consumption or use of municipal service is in excess of subsidized service or free basic service (in excess of 6kl of water or 50kwh of electricity), the consumer will be obliged to pay for such excess consumption at the applicable normal rate.
- 7.8 Approved indigent household accounts will have the interest indicator flagged.
- 7.9 If technical assistant is needed to make current monthly consumption more affordable through the limited supply of services

7.10 The applicant should agree to accept the limited level of services and agree to stay on the program for at least 12 months.

7.11 No referrals to external debts collectors.

## **8. TERMINATION OF INDIGENT SUPPORT**

Indigent support shall be terminated under the following circumstances:

- Death of the Indigent. If the Indigent had dependants, the dependants will need to reapply for the support because subsidies are not transferable.
- Upon sale of the property.
- End of the 24 months circle, subject to re-assessment.
- When circumstances of the indigent household have improved in terms of a gross income.
- If the is discovered after approval that the indigent has supplied false information, all subsidies provided will be reserved by means of debiting the provided subsidies in their monthly statement.
- If the indigent tampers with the prepaid meter system.

## **9. REPORTING AND QUALITY CONTROL**

Quarterly reports shall be submitted by the department of Community Services with financial implications to relevant Portfolio Committees and to the Mayoral Committee on progress made regarding Indigent applications plus any changes in the status of registered indigents

## **10. AUDITING**

Auditing must be conducted by the Internal Auditing Section or Department of Finance regarding the Indigent register, usage rate of allocations and Credit Control measures applied.

## **11. SHORT TITLE**

This By-law is the Indigent by-law 2012 of the Thembisile Hani Local Municipality.

## **12. COMMENCEMENT DATE**

This By-law takes effect on the date of proclamation in the Provincial Gazette.