

POLICY DOCUMENT

POLICY F1.13

RATES – 2014/15



**FORMULATED IN TERMS OF SECTION 3 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY
RATES ACT, NO. 6 OF 2004**

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SECTION A: INTRODUCTION, DEFINITIONS AND PRINCIPLES

1. INTRODUCTION

The Local Government: Municipal Property Rates Act (2004), as amended requires Municipalities to develop and adopt rates policies consistent with the Act on the levying of rates on rateable property in the Municipality.

The Municipality needs a reliable source of revenue to provide basic services and perform its functions. Property rates are the most important source of general revenue for the Municipality. Revenue from property rates is used to fund services that benefit the community as a whole as opposed to individual households. These include construction and maintaining of streets, roads, sidewalks, lighting, and storm drainage facilities and building and operating clinics, parks, recreational facilities and cemeteries. Property rates revenue is also used to fund municipal administration, such as computer equipment and stationery, and costs of governance, such as council and community meetings, which facilitate community participation on issues of Integrated Development Plans (IDPs) and Municipal budgets.

Municipal property rates are set, collected, and used locally. Revenue from property rates is spent within a Municipality, where the citizens and voters have a voice in decisions on how the revenue is spent as part of the Integrated Development Plans (IDPs) and budget processes, to which a Municipality invites communities to give input prior to Municipal Council adoption of the budget.

This Policy is formulated in terms of Section 3 of Chapter 2 of the Municipal Property Rates Act (MPRA).

2. DEFINITIONS

Any words in this policy, if included in the definitions as listed in the Local Government Municipal Property Rates Act, Act 6 of 2004, as amended will carry the same meaning unless stated otherwise hereunder.

"Business or Commercial" means-

- Property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- Property on which the administration of the business of private or public entities takes place;

"Industrial" means property used for a branch of trade or manufacturing, production assembly or processing of finished or partially finished products from raw materials or

fabricated parts, including warehousing & storage, in respect of which capital and labour are involved and includes any office or other accommodation on the same property, the use of which is incidental to such activity;

"Municipal properties" means those properties of which the municipality is the owner.

"Owner" includes the meaning(s) included in the Act and also that the persons mentioned below, will for the purposes of this policy be regarded as the owner of a property:

- (i) A trustee, in the case of a property in a trust excluding state trust land;
- (ii) An executor or administrator, in the case of a property in a deceased estate;
- (iii) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
- (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;
- (v) A curator, in the case of a property in the estate of a person under curatorship;
- (vi) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
- (vii) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
- (viii) A buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

"Public Benefits Organization" means an organization conducting specified public benefit activities listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act and registered for tax reductions because of those activities.

"Public Benefits Organization Property" means property owned by public benefit organizations and used for any specified public benefit activities listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act

"Ratepayer" means a person or entity that is liable in terms of the MPRA for the payment of rates on property levied.

"Residential" means improved property that is:

- Used for residential purposes only, with not more than two dwelling units per property, and includes any adjoining property registered in the name of the same owner and used together with such residential property as if it

were one property. (Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes, or

- A unit registered in terms of the Sectional Title Act, used predominantly for residential purposes, and includes any unit in the same Sectional Title Scheme registered in the name of the same owner, which is used together with the residential unit as if it were one property, for example a garage or servant's quarters. (Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes, or

- Owned by a share-block company and used solely for residential purposes.

- The following properties are specifically excluded from the definition

Hotels, communes, boarding and undertakings, old age homes, guesthouses, retirement villages, life right schemes and residential properties with other permitted use.

"Vacant land" means land where no immovable improvements have been erected

"Developed" means in the case of properties in process of construction:

The Valuer will determine as developed by using the following guideline -

- The roof completed, and some windows and doors installed

Or

- Any partial occupation on the property

3. POLICY PRINCIPLES

3.1 Rates are levied in accordance with the MPRA as a cent in the rand, commonly known as the rates tariff and will be based on the property value contained in the Valuation roll of 2013 or any ensuing supplementary valuation roll.

3.2 Council may differentiate between various categories of properties and owners of property. Some categories of properties and categories of owners will receive a statutory relief from rates in accordance with certain provisions in the MPRA.

3.3 No relief will be granted in respect of payments for rates to any specific category of owners or properties, or to owners of properties on an individual basis, other than by way of an exemption, rebate or reduction provided for in this Rates Policy.

3.4 All ratepayers, in a specific category, as determined by Council from time to time, will be treated equitably.

- 3.5 The rate will be based on the value of all rateable properties and the amount required by the municipality to balance the operating budget. This will include the consideration of any profits generated on trading and economic services and the amounts required to finance exemptions, rebates and grants-in-aid of rates as approved by Council from time to time.
- 3.6 Property rates will be used to finance community and subsidised services and not used to subsidise trading and economic services.
- 3.7 The provision for working capital for community and subsidised services must be adequate and based on the non-payment of rates.
- 3.8 The income base of the municipality will be protected by limiting exemptions, grants and rebates.

SECTION B: CATEGORIES OF PROPERTY

4. CATEGORIES OF PROPERTIES FOR THE PURPOSE OF LEVYING DIFFERENT RATES

- 4.1 In determining whether a property forms part of a particular category, the actual use of the property will be the determining factor and any change in actual use of a property will result in a change of category. In the case of residential properties where permitted use is granted in terms of any other legislation, the permitted use will determine the category.
- 4.2 In the case of vacant land, the permitted use in terms of any legislation, including any town and land use management system will determine its category. In the absence of such legislation which regulates the use of properties, the most feasible use will determine its category.
- 4.3 The Municipality has determined categories of properties based on the use of the property and of the permitted use of the property.
- 4.4 The following are the determined categories of properties by the Municipality:
- **Residential Properties, which shall include:**
 - Single residential
 - Sectional title residential
 - General residential (incl. flats / hostels)
 - **Business and Commercial Properties**
 - General business properties
 - Sectional title shops/offices

- **Industrial Properties**
 - Industrial properties
 - Sectional title industrial
- **Agricultural Properties**
 - Used for farming purposes
 - Used for residential purposes
 - Used for no purpose
 - Small holding used for farming purposes
 - Used for other business or commercial purposes
- **Public Service Purposes (State owned)**
 - health;
 - education, including libraries;
 - police stations;
 - prisons; or
 - courts of law,
- **Public Service Infrastructure**
- **Municipal**
- **PBO's**

4.5 The Municipality does not value Real Rights except Public Service Infrastructure, Municipal Leases and Developers Rights of Extension in Sectional Title Schemes.

5. RATING OF MULTIPLE USE PROPERTIES

- Dominant use of multi - purpose properties shall be measured as the higher of either:
 - The measured extent under use (land and/or buildings),
 - or
 - The gross rental value of the area under use (land and/or buildings)

SECTION C: DIFFERENTIAL RATING

6. DIFFERENT CATEGORIES PAY DIFFERENT RATES

Different categories of properties as described in Section 4 (Categories of properties) of this policy may be levied a different rate (cent in the rand). This differentiation may be determined annually during the budget review process.

SECTION D: RELIEF MEASURES RELATED TO CATEGORIES OF OWNERS OF PROPERTIES

7. CATEGORIES OF OWNERS OF PROPERTIES THAT WILL RECEIVE EXEMPTIONS OR REBATES

Official Application forms are available at the Municipal offices.

The following category of owners of properties will receive exemptions or rebates:

7.1 OWNERS DEPENDENT ON PENSIONS AND SOCIAL/DISABILITY GRANTS

Pensioners may be granted a rebate on their primary residential property. This rebate will be determined annually during the annual budget review process.

The rebate on property rates referred to above will be granted subject to the following criteria:

FIRST TIME APPLICANTS:

- The primary property must be registered in the name of a natural person who own and permanently occupy that property. This includes co-owners who are married to each other
 - The applicant must be a ratepayer of 60 years or older on or before 31 May upon application (as stipulated in terms of Section 3(3)(b)(iii) of the Municipal Property Rates Act, 2004.
 - A written application must be submitted before **31 May** for the financial year.
 - A certified copy of the applicant's bar-coded RSA identity document must accompany the application.
 - The same provisions applicable to pensioners apply to disability grantees, except that they must produce a **certified copy of a letter**, issued by the **Department of Social Welfare**, confirming receipt of a disability grant.

PENSIONERS FROM PREVIOUS FINANCIAL YEAR:

- Pensioners already receiving rebate will receive a letter/form to be filled in and returned to the Municipal offices before 31 May of every year.

7.2 PUBLIC BENEFIT ORGANISATIONS

Property Rates will be levied in accordance with the Amendment of the Municipal Property Rates Regulations as published in Government Notice Number R. 363 of 27 March 2009.

Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, Item 1, 2 and 4 of part 1 of the Ninth Schedule, for tax deduction because of those activities, must provide to the satisfaction of the Chief Financial Officer or his delegate that they comply with the criteria and requirements.

- The following criteria and requirements will apply:
 - Once off -**
 - The applicant must be the owner and occupier of the relevant property;
 - Written once off applications must be submitted before 31 May

- A Tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Item 1, 2 and 4 of Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) must be submitted together with the application for PBO;

Thereafter Annually –

- Submit an Affidavit stating that property is still being used for Public Benefit Activities
- Submission of a tax clearance certificate for PBOs confirming that they are in good standing for the year preceding the year of application.
- The use of any land or buildings, or part thereof, shall not be for private use
- If any individual, whether as a shareholder in a company or otherwise receiving a pecuniary benefit, the applicant shall not qualify;
- If during the current financial year, any such land or building is used for any purpose other than the purpose for which it was so exempted, the Municipality shall impose rates thereon or on such portion so used, at a rate proportionate to the period of such use.
- The Municipality retains the right to refuse to exempt properties if the details supplied in the application form are incomplete, incorrect or false.

7.3 NON PROFIT ORGANISATIONS

In terms of Section 15(1) of the MPRA, an exemption may be granted to Non Profit organisations that qualify for exemption as determined hereunder. This extent of the exemption will be determined annually during the budget review process.

Applicants must provide credible proof to the satisfaction of the Chief Financial Officer or his delegate that they comply with the criteria and requirements.

- The following criteria and requirements will apply:
 - The applicant must be the owner and occupier of the relevant property;
 - Written applications must be submitted before 31 May for each financial year.
 - A Tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Item 1, 2 and 4 of Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962) must be submitted together with the application for relief;
 - A Certified copy of Registration as a Non-Profit Organization with the Department of Social Welfare must be submitted and applicant must be on the current year NPO Register as at 31 May;
 - Independent schools must have a uniquely allocated education management information system(emis) number and must for the previous financial year provide proof that it received a subsidy from the relevant provincial department of education(at least the majority, 60% and more, of the sources of funding be from a combination of one or more government grants)
 - The use of any land or buildings, or part thereof, shall not be for private use
 - If any individual, whether as a shareholder in a company or otherwise receiving a pecuniary benefit, the applicant shall not qualify;

- If during the current financial year, any such land or building is used for any purpose other than the purpose for which it was so exempted, the Municipality shall impose rates thereon or on such portion so used, at a rate proportionate to the period of such use.
- The Municipality retains the right to refuse to exempt properties if the details supplied in the application form are incomplete, incorrect or false.

7.4 PLACE OF WORSHIP

A 100% rates exemption will be applied in the following instances:

- On a property registered in the name of and used primarily for the purpose of congregation, **excluding** a structure used for educational instruction by a religious community, including one official residence registered in the name of that community which is occupied by an office bearer of that community who officiates services at that place of worship in terms of section 17(1)(i) of the Act.
- This also applies to a vacant property registered in the name of and used primarily as a place of worship by a religious community.

7.5 INDIGENT OWNERS

- In terms of the Act, measures to alleviate the rates burden of the poor have to be taken.
- The Universal Relief Approach as contained in the UMhlathuze Municipality Indigent Policy will be applied as defined hereunder:
- Council may grant an additional amount in value above the impermissible value as stipulated in the MPRA on which no rates will be applied. This determination will be made annually during the budget review process.
- The reduction will be applied only to a property that is developed and used solely for residential purposes.

7.6 CHILD HEADED HOUSEHOLDS

Child headed households may be granted a 100% rebate, subject to the following:

The applicant:

- Must apply annually;
- Must occupy the property;
- Must submit proof of the death of both parents;
- Must be younger than 18 years of age;
- No other persons of 18 years or older must reside on the property

The rebate will lapse upon:

- The expropriation, sale or disposal of the property;
- The failure of the applicant to reside permanently on the property;
- Death of applicant
- Tampering with electricity or water supply

The Municipality retains the right to refuse to exempt properties if the details supplied in the application form are incomplete, incorrect or false.

8. CATEGORIES OF PROPERTIES THAT WILL RECEIVE EXEMPTIONS, REBATES, OR REDUCTIONS

Despite any specific provision listed hereunder, Council may determine the upper limits or the extent of exemption, reduction or rebate for any of the following categories during its annual budget process.

8.1 DISASTER MANAGEMENT

- A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolition, floods, drought or other natural disasters.
- The reduced valuation will be applied from the start of the financial year following the evaluation.
- The reduction will be in relation to the certificate issued for this purpose by the Municipal Valuer.

8.2 PROPERTY OF LAND REFORM BENEFICIARIES

- Property rates on land of land reform beneficiaries will be phased in as prescribed in the MPRA.
- These properties must have been acquired through the Provision of Land and Assistance Act, 1993 (no. 126 of 1993) or the Restitution of Land Rights Act, 1994 (No 22 of 1994) or subject to the communal Property Associations Act, 1996 (Act No 28 of 1996) or Communal land as defined in section 1 of the Communal Land Rights Act 2004 (Act No. 11 of 2004).

8.3 AGRICULTURAL PROPERTIES

- Council may apply an additional rebate on Agricultural land. When considering the criteria to be applied in respect of rebates on properties used for agricultural purposes, Council will take into account:
 - The extent of services provided by the municipality in respect of such properties;
 - the contribution of agriculture to the local economy;
 - the extent to which agriculture assists in meeting the service delivery and development obligations of the municipality; and
 - the contribution of agriculture to the social and economic welfare of farm workers.
 - The rebate will be determined annually during the budget review process.
 - The additional rebate may be granted subject to the following criteria:

- Written applications must be submitted for each financial year before 31 May of each year.
- The portion of the property that is used exclusively for bona fide agricultural purposes.
- The agricultural portion must exceed two (2) hectares in extent.
- The owner must be taxed by SARS as a farmer and the last tax assessment must be provided as proof.
- Where the owner is not taxed as farmer, proof is required that income from farming activities exceeds 40% of the household income.
- Agricultural land used for other activities than bona fide agricultural purposes do not qualify for any rebates or valuations reductions.

8.4 PUBLIC SERVICE INFRASTRUCTURE, PROVIDING ESSENTIAL SERVICES

The MPRA makes provision for a 30% exemption on the value of the property and no further exemption or rebate will be applied on such infrastructure.

8.5 MUNICIPAL PROPERTIES

- Municipal properties will be exempted.
- Municipal properties that are leased or rented out will be categorized by the actual use and rated in accordance with the provisions of the MPRA.

8.6 HISTORICAL MONUMENTS

Historical Monuments not used for residential purposes and registered in the name of private persons, open to the public and not operated for gain will not be rated.

8.7 SPORTING BODIES

- Sporting bodies shall, be rated on the value of the improved area only.
- The improved area shall exclude change rooms and store rooms necessary for the sport.

9. MANAGEMENT OF PROPERTY RATE SHOCK

- It is understood that with the implementation of the new valuation roll, certain properties will be subject to a higher increase than others. It is also expected that rates on certain properties will decrease.
- Council will, during the budget process attempt to limit the rates shocks to property owners due to the increase in the rate payable on their properties as a result of the compilation and implementation of the new valuation roll.
- The limit in the increase in rates payable will be set at 250%(draft roll will determine).
- **The following criteria will apply:**
 - The rates increase must exceed 250%.
 - The reduction as a result of the rates shock will only apply to Residential property as described in the definition.
 - The property must be occupied by the owner of the property.
 - Vacant land will not qualify.

- Rates shock will not apply in the case where the rates shock is due to improvements of the property.
- Application for the reduction must be made for each financial year before 31 May and the first application must be made in the first year that the new general valuation roll is implemented and will not apply to any ensuing new valuation roll(s).
- If no application is made in the first year of the implementation of the new valuation roll, no consideration will be made in any ensuing years and will not apply to new owners of the property after the implementation date (1 July 2013).
- The rate that exceeds the determined percentage will be phased in over ensuing three years.

SECTION E: RATES INCREASE / DECREASE

10. CRITERIA FOR INCREASING OF RATES

- Council will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- The following may be taken into account for the purpose of increasing / decreasing rates:
 - Priorities of a Municipality reflected in its Integrated Development Plan.
 - Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- The following annual adjustments will be made to community and subsidised services:
 - All salary and wage increases as agreed at the South African Local Government Bargaining Council.
 - An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds.
 - Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
 - A need for management of rates shocks.
 - Affordability of rates to ratepayers.
 - Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process.

SECTION F: LIABILITY FOR RATES

11. POWER TO LEVY RATES

Council must exercise its power to levy a rate on property subject to Section 229 and any other applicable provisions of the Constitution and the provisions of the Municipal Property Rates Act, 2006 as well as the approved rates policy.

12. PAYMENT OF RATES

- Notice will be given of all rates approved at the annual budget meeting, at least 30 days prior to the date that the rates become effective.
- A notice stating the purport of the Municipality's resolution and the date on which the new rates become operational will be displayed by the Municipality on the notice boards and where possible, at places utilized for that purpose.
- Payment of rates:
 - Rates must be paid in monthly instalments on the due date stipulated on the statement of each month.
 - Annual property rates are payable on or before 30 September of each financial year. Application to pay rates yearly must be submitted in writing before 30 June of each financial year.
 - All rates that remain unpaid after the due date stipulated on the account will be collected through the provisions contained in the Credit Control policy or any applicable legislation.
- Interest on arrear rates shall be calculated at the rate determined by Regulation dated 18 October 2006 in Government Gazette 29304.
- Arrear rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- Joint owners of a property, including joint owners of agricultural property are jointly and severally liable for the amount due for rates on that property.

13. ANNUAL REVIEW OF RATES POLICY

The rates policy will be reviewed on an annual basis during the budget process to ensure that it complies with the Municipality's strategic objectives, with legislation and will take into account public comments and inputs.

14. THE EFFECTIVE DATES OF THE RATES POLICY

The rates policy takes effect from the start of the municipal financial year when the new valuation roll is implemented on 1 July 2013. Any amendment during the budget review process in the ensuing years will apply from the 1st day of the new financial year.

15. SHORT TITLE

This policy is the Property Rates Policy of the uMhlathuze Municipality.