

# Rental Rebate

Policy

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# Policy

## 1. Purpose

This policy outlines eligibility for a rental rebate and explains how rebated rent is calculated, applied, and reviewed.

## 2. Scope

This policy applies to new and existing tenants of urban social housing owned or leased by the Chief Executive Officer (Housing) and Alice Springs Town Camps.

This policy does not apply to public housing tenants located in remote communities, or Tennant Creek community living areas. Rebates (safety net) within these areas are referenced in the Remote Rent Safety Net policy.

Tenants of legacy premises are not charged rent under a tenancy agreement. Refer to the Remote Housing Leases policy and the Pre-existing and Improvised Dwellings policy for more information regarding occupants of legacy dwellings.

## 3. Definitions

<b>Full rent</b>	Rent payable for a dwelling as determined by the Minister under Section 23 of the <i>Housing Act 1982</i> . This is the maximum rent charged for a dwelling prior to any rebate or subsidy being applied.
<b>Legacy</b>	Premises which do not meet <i>Residential Tenancy Act 1999</i> standards and for which a tenancy agreement cannot be signed.
<b>Rebated rent</b>	Rent charged that is less than the full rent for the premises.
<b>Recognised occupier</b>	Someone whom the tenant of the premises has notified the Chief Executive Officer (Housing), in writing, is or will be occupying the premises and the Chief Executive Officer (Housing) has made a notation in relation to the lease about the occupancy.
<b>Rent</b>	The amount payable under a tenancy agreement for the occupancy of premises for a period of the tenancy.
<b>Rental rebate</b>	A rental subsidy provided to an eligible client that is the difference between the full rent for a premises and the rebated rent charged.

## 4. Policy Statement

Under Section 23 of the *Housing Act 1982*, the Minister determines the rent payable for social housing dwellings, as described in the Rent policy.

Under the *Housing Regulations 1983* (Regulation 5), the Chief Executive Officer (Housing) can grant a rebate of rent to eligible persons, for an amount and period as it thinks fit.

Tenants who meet eligibility requirements will have the rent charged (rebated rent) calculated as a percentage of the assessable household income.

Where the rebated rent amount calculated is higher than full rent, full rent is charged.

## 4.1. Eligibility for a rental rebate

Eligibility requirements for a rental rebate are the same as the eligibility requirements for accessing social housing, as outlined in the Eligibility for Social Housing policy. A tenant who is eligible for social housing is eligible for a rental rebate under this policy.

Rent for households on the Employment Incentive Scheme are outlined in the Employment Incentive Scheme policy.

## 4.2. How rebated rent is calculated

Rebated rent is the amount of rent a tenant must pay after a rental rebate is applied (rent payable). Rent payable is calculated as a maximum of 25% of the household's assessable income. Refer to the Income and Assets policy for details of income types included in the assessment.

With respect to social housing at a community housing provider-controlled premises, the rebate is calculated in the same way less 100% of Commonwealth Rental Assistance (CRA).

## 4.3. When rental rebates are calculated and applied

Rental rebates are applied at the commencement of the tenancy. The rebate is effective until a rental rebate review is required, or the household becomes ineligible for social housing.

The amount of rebated rent charged is reviewed:

- when the CEO (Housing) is made aware of a change in household income or household members (changes in circumstances may require reassessment of eligibility for social housing); or
- every six months, unless:
  - All assessable household income is from Aged, Widows, Veterans Affairs and/or Disability Pensions. Rebated rent is reviewed annually for these tenants (unless household circumstances change).
  - Household income varies from week to week. For these tenants, a shorter review period of 13 weeks may be applied to ensure that the household is not disadvantaged.

The CEO (Housing) will request updated income details directly from Centrelink at the rental rebate review, where written consent has been provided by the client on the Income Confirmation Scheme consent form. The tenant will be advised in writing that their rebate has been reviewed and the outcome of the review.

Tenants who do not complete the Income Confirmation Scheme consent form, or they receive income from sources other than Centrelink, are required to provide all income details to the CEO (Housing) at the rental rebate review.

Where a rental rebate review is required and income details are not provided within the household's rental rebate review period, the CEO (Housing) will extend the rental rebate period by 28 days on one occasion per rebate review, with no further extension given..

The CEO (Housing) will conduct a rental rebate review if income details are received during the rental rebate review extension period, and the rebated rent will be backdated for the period the tenant has remained eligible for social housing.

Full rent will be charged if income details are not provided during the rental rebate review extension period, and the household will be considered ineligible for social housing.

Full rent or 30% of household income (whichever is less) will be charged to tenants who exceed household income and/or asset limits, and the household will be considered ineligible for social housing.

Where a household is no longer eligible for social housing, the CEO (Housing) may commence action to terminate the tenancy. Refer to the Eligibility for Social Housing and Termination of a Tenancy Policies.

It is a condition of the tenancy agreement and the provision of a rental rebate that tenants must advise the CEO (Housing) of a change in household circumstances, including an increase or reduction of income and household size within 28 days of the change. Changes to the rental rebate will be backdated to the date the change in circumstances occurred.

Failure to notify the CEO (Housing) of a change in circumstances affecting a rental rebate is an offence under the Housing Act 1982, section 36A, and action may be taken by the CEO (Housing).

## 4.4. Offences under the *Housing Act 1982*

### 4.4.1. Failure to notify of changes in household circumstances

A person in receipt of a rental rebate commits an offence under the *Housing Act 1982*, section 36A, if they fail to notify the CEO (Housing) within 28 days of any changes to their household income or household size, during the rebate period. The maximum penalty is 100 penalty units for each offence.

### 4.4.2. Giving False or Misleading Information or documents to CEO (Housing)

A person commits an offence under the *Housing Act 1982*, section 36, if they provide the CEO (Housing) with a document containing false or misleading information. The maximum penalty is 100 [penalty units](#).

## 5. Discretionary decision making

No discretion can be applied to the percentage of income used to calculate rebated rent or to apply a rental rebate to a client who is not eligible.

Discretion can be applied to rental rebate review periods using the Discretionary Decision-Making policy.

## 6. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the CEO (Housing), they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

## 7. Review of the policy

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

## 8. References

### 8.1. Legislation

*Housing Act 1982*

*Housing Regulations 1983*

*Residential Tenancies Act 1999*

### 8.2. Policies

Appeals policy

Complaints policy

Discretionary Decision Making policy

Eligibility for Social Housing policy

Employment Incentive Scheme policy

Extended Absences and Caretaker Arrangements policy

Income and Assets policy

Pre-existing and Improvised Dwellings policy

Remote Housing Leases policy

Rent policy