RATEPAYERS HARDSHIP POLICY

OBJECTIVE: To establish guidelines for the General Manager and staff when dealing with ratepayers, suffering genuine financial hardship, with the payment of their ordinary rates and annual charges (excluding stormwater management charge). To fulfil the statutory requirements of the Local Government Act, 1993 with respect to the ability to grant provision and give special consideration to ratepayers subject to financial hardship.

1. POLICY STATEMENT

Council requires all ratepayers to pay their rates in full by the due date(s). However, Council recognises there are cases of genuine financial hardship requiring respect and compassion in special circumstances. This policy establishes guidelines for assessment of a hardship application applying the principles of fairness, integrity, confidentiality and compliance with statutory requirements. It applies to all applications for waiving, alternative payment arrangements or writing off rates, fees, annual charges and interest accrued on such debts.

The General Manager has the delegated authority to assess applications due to hardship and payment arrangement plans from any customer after receiving a written request and in cases of genuine hardship each case is to be referred to Council for consideration in accordance with Councils adopted policy.

2. HARDSHIP ASSISTANCE

Periodical Payment Arrangement – Section 564

Section 564 of the Act provides that Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments for due and payable rates.

A ratepayer may at any time make an arrangement to pay off their outstanding rates by regular payments, subject to the following guidelines:

a) The amount and frequency of the payments under the arrangement are to be acceptable to Council.
b) Arrangements should, where possible, seek to have the outstanding rates cleared by the end of the financial year.
c) Arrangements that go beyond one year must be approved by the Revenue Supervisor.

Council may write off or reduce interest accrued on rates if the person complies with an agreement made with Council as to periodical payment of those rates. Interest on rates or charges will only be written off by Council as a result of a person complying with an arrangement or agreement who has also completed a financial hardship application, which is subsequently approved.

In accordance with Section 568 of the Local Government Act 1993, payments will be applied towards the payment of rates in the order in which they became due.

Deferred Rates increase above CPI – Section 564

Deferral of Rates relief given under Section 564 will only be considered if the rates payable exceed 5% of the gross household income which may be determined by but is not limited to

pensions/salaries; investment income; deemed income from assets; deemed rental from non-owner residents.

The amount of the relief under Section 564 will be the difference between the total rates payable on the property for the previous year with the allowable rate percentage increase applied for the current year (ie the rate pegging increase allowable under section 506 of the Act) and the total rates payable on the property.

If the ratepayer is eligible, Council will defer payment on the amount of the relief to the following year. This is subject to one quarter of the deferred amount being added to each instalment due in the following rating year. Interest will not be charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

Deferred Rates against the estate – Section 564

This option is offered in accordance with Section 564 of the Act. This option is only available to aged pensioners and self-funded retirees that satisfy the eligibility criteria to defer payment of part or all of their rates against their estate. Interest charges for approved applicants will be charged in accordance with 566 of the Act.

The criteria to be used to determine eligibility is as follows:

- The aged pensioner or self-funded retiree would suffer substantial financial hardship if required to pay rates when they fall due;
- The property must be categorised residential for rating purposes;
- The applicant must have owned the property for at least five years;
- The applicant must occupy the property as their principal place of residency;
- The applicant must apply annually and their circumstances must remain unchanged from the previous year;
- If circumstances change and the applicant no longer qualifies, Council will negotiate a repayment plan for accrued arrears.

Writing off accrued interest and costs – Section 567

Accrued interest on rates or charges payable by a person may be written off under Section 567 of the Act 1993, if

a) The person was unable to pay the rates or charges when they became due for reasons beyond the person's control, or
b) The person is unable to pay accrued interest for reasons beyond the person's control, or
c) Payment of the accrued interest would cause the person hardship.

Each individual case will be considered by Council and decided on its particular merits against the criteria of section 567. A Hardship Application Form Attachment A is required to be completed to assist in determination of financial hardship.

Pensioner Concession – Section 575

This requires the Council to provide specified reductions for eligible pensioners. Further, should an eligible pensioner fail to apply/be confirmed by DSS/DVA in any year, Council, upon application, will grant rebates pertaining to the current and previous year only.

Council may waive all interest charges for eligible pensioners that pay their rates by the 30th June each year. Subject to appropriate arrangements as to repayment of rates the Council will consider applications for a reduction of interest charges based on financial hardship. A Hardship Application Form Attachment A is required to be completed to assist in determination of financial hardship.

Extend pensioner concession to avoid hardship – Section 577

Section 577 of the Act, enables Council to make an order deeming certain persons who are jointly liable with an eligible pensioner(s) or solely liable, but who are not themselves eligible, to be eligible pensioners for the purpose of a mandatory reduction in rates and charges to avoid hardship.

Hardship resulting from certain valuation changes – Section 601

Section 601 of the Act, provides that where any ratepayer who suffers substantial hardship as the consequence of the making and levying of a rate following a new valuation, may apply to Council for rate relief.

Application for hardship under Section 601 must be submitted within 6 months of the posting date of the rates notice in the first year of the General Revaluation for rating purposes.

Rate relief given under Section 601 will only be considered if the rates payable exceed 5% of the gross household income which may be determined by but is not limited to pensions/salaries; investment income; deemed income from assets; deemed rental from non-owner residents.

The amount of the relief under Section 601 will be the difference between the Ordinary Residential Rate payable on the property for the previous year with the allowable rate percentage increase applied for the current year (ie the rate pegging increase allowable under section 506 of the Act) and the Ordinary Residential Rates payable on the property in the rating year that General Revaluations are being used for the first time.

If the ratepayer is eligible, Council will defer payment on the amount of the relief to the following year. This is subject to one quarter of the deferred amount being added to each instalment due in the following rating year. Interest will not be charged on the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

3. ASSESSMENT PROCESS

In cases of genuine hardship each case is to be referred to Council for consideration in accordance with Councils adopted policy.

Application for Hardship must be received in writing on the appropriate form as attached to this policy or available on Council's website (www.tamworth.nsw.gov.au). Council may also request the ratepayer attend an interview to assist Council in the understanding of the issues causing hardship.

In determining eligibility Council will use the criteria used by Centrelink for granting of a pensioner concession, including the assets and income test. The following must apply for a person being considered for such relief:

a) The applicant must be the owner/spouse or part owner of the property and be liable for the payment of rates on the property.

b) The property for which the hardship application applies must be the principal place of residency of the applicant(s).
c) The property for which the hardship application applies must be categorised as "Residential" or "Farmland" for rating purposes, provided that the property is used for residential purposes only and that the property has no more than a single dwelling house or residential unit erected upon it.
d) The application for hardship must be accompanied with supporting documentation which may include but is not limited to:
   - Reasons why the person was unable to pay the rates and charges when they became due and payable;
   - Copy of recent bank statements for all accounts;
   - Details of income and expenditure;
   - Details of assets and investments;
   - Letter from a recognised financial counsellor, financial planner or community funded counselling/support service provider. The aim being to ensure appropriate financial support is available to all applicants suffering financial hardship.

4. DETERMINATION OF APPLICATIONS

Applications for rate relief under this policy, where the determination relates solely to an extension of time to pay or time payment options (including the waiver of interest charges where time payment schedules are adhered to) will be assessed on its merits and determined against:

a) Whether hardship exists, and if so

b) The scope of the rate relief to be given, and

c) Whether interest is to be written off.

This application will be assessed by the Financial Services Division and endorsed by the Revenue Supervisor. Any ratepayer, who is dissatisfied with a determination by the Finance Department under this policy, may request that the Rates Relief Review Panel review the decision.

The Rates Relief Review Panel includes the following Council Officers: General Manager, Director of Corporate & Governance Services and Financial Services Manager. If a request is made for the review of a decision by the Financial Services Division, an appropriate Financial Services staff member will convene a meeting of the panel. At that meeting, the panel will review the information presented to Council by the ratepayer, give consideration to the reasons why the Financial Services Division made the original determination and come to a majority decision on whether to grant rate relief or not. Once a decision is made by the Rates Relief Review Panel, a Financial Services staff member will formally notify the ratepayer of the outcome.

It should be noted that a confidential report outlining applications made for hardship and the result of the determination of those applications will be tabled quarterly at a Council meeting. If there are no hardship applications in any given quarter, then no report will be required to Council.

5. PRIVACY & CONFIDENTIALITY

Council Officers will conduct themselves with courtesy and respect when dealing with ratepayers and shall maintain the privacy and confidentiality of all ratepayers' personal circumstances. Personal information collected as a result of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose, or disclosed to any other person, unless required by law to do so, or authorised to do so be the person to whom that personal information relates.

6. ROLES & RESPONSIBILITIES

The Revenue Supervisor is responsible for the implementation of this policy

7. COMMUNICATION

Once this policy is adopted by Council, the policy will be posted on Council's web site for public access.

8. POLICY REVIEW

This policy may be amended or revoked at any time and must be review on an annual basis to ensure continuing compliance with all relevant legislation and related regulations.

9. DEFINITIONS AND ABBREVIATIONS

Act	Local Government Act 1993 (NSW)
Regulations	Local Government (General) Regulations 2005 (NSW)
Rate / Rates	Ordinary Rates and Annual Charges (excluding Stormwater Management Charge)
Pensioner	An eligible pensioner as defined in clause 13 of the Local Government (General) Regulations 2005 (NSW)
Rateable Person / Ratepayers	Includes the Crown in respect of rateable land owned by the Crown and a) an owner in case where the Act, provides that a rate is be paid to the council by the owner, and b) a holder of a lease in any case where the Act, provides that a rate is to be paid to the council by the holder of the lease.
DSS	Department of Social Security / Centrelink
DVA	Department of Veterans Affairs
VG	Valuer General

10. BACKGROUND / LEGISLATIVE REQUIREMENTS

Local Government Act 1993.
Local Government (General) Regulation 2005 (NSW).

11. ATTACHMENTS

Hardship Rate Relief Application Form