

Attachment 33 - Rates Hardship Policy



Policy register
*incorporating
policies, procedures and protocols*

Rates hardship

Policy, procedure, protocol	Policy
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Related documents	Privacy Management Plan
Author	Mchelle Morris
Section / Department	Finance & Supply
Linkage to Our Community Plan	5 Our Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.7 Establish a strategic rating structure that is equitable across the region

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1. Purpose

To establish guidelines for the General Manager and staff when dealing with ratepayers, suffering genuine financial hardship, with the payment of their rates and charges.

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.

2. Definitions

Rateable person – includes the Crown in respect of rateable land owned by the Crown and means:

- a) An owner in any case where the Local Government Act 1993, provides that a rate is to be paid to the council by the owner, and
- b) A holder of a lease in any case where the Local Government Act 1993, provides that a rate is to be paid to the council by the holder of the lease.

3. Background/legislative requirements

Local Government Act 1993

Local Government (General) Regulation 2005 (NSW)

4. Policy statement

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 Council's adopted policy.

5. Hardship Assistance

Assistance by Periodical Payment Arrangements

Section 564 of the Local Government Act provides that Council may enter into a formal agreement with a ratepayer eligible for alternative periodical payments for due and payable rates and charges. A periodical payment agreement will be offered in accordance with Council's Debt Recovery Policy.

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

Assistance by writing off accrued interest and costs

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

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

Assistance to extend pensioner concession to avoid hardship

Section 577 of the Local Government Act, 1993 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.

Assistance due to General Revaluation of the Local Government Area

Section 601 of the Local Government Act, 1993 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. Assistance is only available in the first year new valuations are used to calculate.

Section 601 (2) of the Local Government Act, 1993 provides that the council has a discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer in such circumstances, for such period and subject to such conditions as it thinks fit.

6. 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 approved Hardship Rate Relief Application Form. 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.

- 1) The applicant must be the owner or part owner of the property and be liable for the payment of rates on the property.
- 2) The property for which the hardship application applies must be the principal place of residency of the applicant/s.
- 3) The property for which the hardship application applies must be categorised as "Residential" or "Farmland" for rating purposes.

- 4) 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
 - Letter from a recognised financial counsellor or financial planner confirming financial hardship.
- 5) The General Manager has the delegated authority to assess all applications from any customer after receiving a written request.
- 6) With respect to Section 601 of the Local Government Act Council will not consider hardship applications under this provision, as valuations are independently determined by the NSW Valuer General. Council will encourage aggrieved ratepayers to make an appropriate application under the appeal provisions of the NSW Valuation of Land Act 1916.

7. Attachments

Hardship Rate Relief Application Form



Contact Details:
Postal Address: Locked Bag 23,
GRAFTON NSW 2460
Telephone: (02) 6643 0200
Facsimile: (02) 6642 7647

Office Locations:
2 Prince Street, Grafton
50 River Street, Maclean

HARDSHIP RATE RELIEF APPLICATION FORM

Approved by the Director General of the Department of Local Government, in accordance with the Local Government (General) Regulation 2005 under the *Local Government Act 1993*.

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR COMMENCING 1 JULY 20__

**please answer all questions relevant to you using block letters and ticking appropriate boxes.*

Property No. _____

I, _____
(Full name in block letters)

of _____
(Address)

Telephone number _____ apply for a concession on the basis of financial hardship.

Property Description Lot/Plan) _____
(office use only)

(1) Do you receive any pensions or benefits? ☐ Yes ☐ No

If Yes, please provide type of pension and amount received per fortnight.

Pension: _____ Amount: _____

(2) Do you have a current Pensioner Concession Card issued by the Commonwealth Government? ☐ Yes ☐ No

PCC No. _____ Date of Grant _____

(3) Have you claimed a pensioner concession on any other property this year? ☐ Yes ☐ No

If Yes, state the address of the other property _____

(4) Is this property your sole or principal place of living? ☐ Yes ☐ No

The property for which I am claiming has been my sole/principal place of living since _____

(5) I am liable for the payment of rates and charges on this property, together with others as listed below. (If no others, write "SOLE OWNER") _____

Please provide details of all “other” persons indicated in Question 5. **(ALL OWNERS other than the applicant should be listed, including your spouse):**

Name	PCC Holder Y/N	Pension No	Date of Grant	Relationship to me (eg: spouse, father, co-owner etc)	Resident of Property Y/N	% of ownership

Evidence of joint ownership is attached/has been provided to council previously
(circle whichever is applicable).

(6) Is the property owned as shares in a company title? ☐ Yes ☐ No

If you do not own or rent the property, please explain why you are liable to pay the rates _____

(7) Are there people living at the property other than those listed at Question 5? ☐ Yes ☐ No

(8) Please indicate who these people are?

- ☐ Self
- ☐ Spouse
- ☐ Children (State ages _____)
- ☐ Boarders
- ☐ Relatives
- ☐ Other (please specify)

(9) Do you own (either fully or partially) any other land or buildings?

☐ Yes ☐ No

If yes, list addresses.

(10) How many children do you support? _____ State ages _____

(11) What is the cause of financial hardship? _____

(12) How long have you been experiencing hardship? _____

(13) Please state gross weekly amount received in dollars and cents from the following sources of income:

- a) Pensions and benefits \$ _____
- b) Compensation, superannuation insurance or retirement benefits \$ _____
- c) Spouse's income \$ _____
- d) Income of other residents of the property \$ _____
- e) Casual/part-time employment \$ _____
- f) Family allowance \$ _____
- g) Interest from banks/credit unions/building societies \$ _____

(14) Please provide name and current balance of all bank, credit union or building society accounts held by you.

(15) Please state details of fortnightly outgoings.

Outgoing	Owed to	Amount
Rent/Home Loan		
Other mortgages		
Personal loans/Hire purchase		
Health Costs		
Council rates and charges		

Please attach a separate page with any other relevant information you feel may assist your application.

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: _____ Date: _____

IMPORTANT NOTICE

CUSTOMER CONSENT

For the sole purpose of authorising the council to confirm with Centrelink whether or not the detail I have provided to the council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:

I _____ (full name) authorise the council to confirm with Centrelink the following details:

- Pension No.
- Name
- Address
- Postcode, and
- That I am a valid concessional card holder

I agree that, unless I revoke my consent, this Customer Consent record is a permanent consent, and may be relied on by the council until such time as I revoke it.

I may revoke this Customer Consent record at any time by giving the council **written** notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the council.

I acknowledge I have read and understood this Customer Consent record.

Signature: _____ Date: _____

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 **Compliance with Section 10**

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the Local Government Act 1993 and the Local Government (General) Regulation 2005.