

POLICY NAME: Financial Assistance (Hardship)
Rates and Charges

POLICY REF: F08

MEETING ADOPTED: 14 December 2017
Resolution No. 141217/22

POLICY HISTORY: 261115/20; 220911/19; 230311/23; 260804/052



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OBJECTIVE

To provide financial assistance to ratepayers who are experiencing genuine and significant financial difficulties in paying their rates and charges.

To provide a decision making framework for the consistent and equitable determination of all financial hardship applications.

POLICY

Any ratepayer who cannot pay their rates and charges due to genuine financial hardship can apply to Council for assistance.

Rates and charges are deemed to consist of those rates and charges listed on a ratepayer's Rates and Charges Notice.

Each individual case will be considered on its merits.

To be eligible for consideration of hardship rate relief, a ratepayer must complete the Hardship Rate Relief Application Form (those applying for a periodical payment arrangement are not required to complete a Hardship Rate Relief Application Form).

The Hardship Rate Relief Application Form is available for download on Council's website ballina.nsw.gov.au

The completed form is to be returned to Council including details of income, expenditure, assets, liabilities, and such other information required for the Council to make an informed decision.

The criteria for assessment will include, but not be limited to the following:

- The applicant must be the owner of the property and must be liable for the payment of rates and charges on the property.
- The property for which the hardship application is made must be the applicant/s principal place of residence.
- The applicant must not own any other property either within or outside the Council area.
- The property must be categorised residential or farmland for rating purposes.
- The Hardship Rate Relief Application must be accompanied with supporting documentation which may include, but is not limited to:
 - Details of income and expenditure, assets and liabilities.
 - Copies of most recent bank statements.
 - A letter supporting the application outlining the reason for applying for financial hardship and the period of time for which the hardship relief sought may apply.

All applications for hardship rate relief will be assessed by an internal Hardship Committee. The Hardship Committee will consist of three Council officers appointed by the General Manager.

The Hardship Committee is to make recommendations to the General Manager for approval of payment terms exceeding 24 months or write-offs less than \$1,000.

The Hardship Committee, through the General Manager, is to make recommendations to Council for write-offs greater than \$1,000 or other assistance as considered appropriate under extenuating circumstances.

The hardship assistance provisions offered are as follows:

1. Periodical Payment Arrangements – Section 564

Council may enter into payment arrangements with ratepayers who may not meet the criteria outlined in this policy, but are still facing financial difficulties in meeting their normal instalment payments as provided by the LGA.

Authorised Council staff can accept over the phone payment arrangements for weekly, fortnightly or monthly payments that are within a 24 month timeframe. Any requests for periodical payment arrangements greater than 24 months need to be authorised by the General Manager.

Such agreements will continue to be subject to interest charges as per the interest rate for overdue rates and charges detailed in Council's Fees and Charges.

2. Interest Free Period ~~Writing Off Accrued Interest~~ – Section 564 and 567

~~Under Sections 564 and 567 of the LGA,~~ Council may write off ~~or reduce~~ accrued interest charges payable by a ratepayer where if, in its opinion, payment of accrued interest would cause the person hardship.

Eligibility for such assistance is to be based on the criteria stated in this policy and the completion of Council's Hardship Rate Relief Application.

~~The following assistance is only to be granted providing a payment arrangement is made by Direct Debit and full payment is received by the end of the arrangement period.~~

~~If eligible, the following two options are provided:~~ Council may grant an interest free period if the full amount owing (including current rates and charges) is finalised by direct debit arrangement within 12 to 36 months of the application. The interest free period will apply from the date of approval.

~~Option 1:~~

~~That an interest free period be granted if the full amount (including current rates and charges) is finalised within 12 months of the application. The interest free period will apply from the date of approval.~~

~~Option 2:~~

~~That interest charges up to a maximum of 50% be written off if the full amount (including current rates and charges) is finalised in full within 13 to 36 months from the date of approval. The write off will apply from the date of approval and will be granted upon successful completion of the arrangement.~~

3. Deferral of the general rate following a revaluation – Section 601

Council may defer payment of the whole of the increase of the ordinary rate due, to the following rating year.

This is subject to one quarter of the amount of the increase being added to each instalment due in the following rating year. Interest is not charged on

the deferred amount, unless it remains unpaid when the following rate instalment it was added to, becomes overdue.

The additional criteria used to determine eligibility is as follows:

- The percentage increase in land value must be greater than the residential shire wide average increase.

This option is only available in the first year that new land values are used to levy rates.

4. Other Ratepayer Assistance

In addition to the above, Council may determine other applications for assistance which are to be submitted to Council on an individual basis for consideration.

5. Cancellation of Hardship Assistance

Hardship assistance may be cancelled as a result of the following:

- Defaulting on a payment arrangement
- The ratepayer no longer owns the land
- The ratepayer advises Council that financial hardship no longer applies
- Council receives information that the financial hardship no longer exists.

Such cancellation will be at the discretion of the General Manager.

BACKGROUND

Council recognises that, at times, certain ratepayers may have difficulty in paying their rates and charges. This policy outlines the options Council will provide to cases of genuine financial hardship and also the process to be followed in providing such assistance.

The Local Government Act, 1993, (LGA) allows Council to provide assistance to ratepayers under the following sections of the Act.

- a) **Section 564** of the LGA provides Council with the option to accept payment of rates and charges due and payable by a person in accordance with a periodical payment arrangement and to write off or reduce interest accrued on rates and charges if the person complies with the agreement.
- b) **Section 567** of the LGA provides for Council to write off accrued interest on rates and charges payable by a ratepayer if, in Council's opinion the reasons that the ratepayer was unable to pay the rates and charges when they became payable were beyond the ratepayer's control, or; that the ratepayer is unable to pay the accrued interest for reasons beyond that ratepayer's control, or; that the payment of the accrued interest would cause the ratepayer hardship.
- c) **Section 601** of the LGA provides for ratepayers who incur a rate increase in the first year following a General Revaluation of land values to apply to Council for

rate relief if the increase in the amount of rates payable will cause them substantial financial hardship.

SCOPE OF POLICY

This policy applies to:

- Ratepayers of Ballina Shire

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Rates and Charges Debt Recovery Policy
- Hardship Rate Relief Application Form
- Fees and Charges

REVIEW

This policy is to be reviewed every four years.