



## **Housing Benefit On Privately Rented Dwellings (2019)**

### **1. Title**

This Scheme may be cited as the Housing Benefit on Privately rented dwellings and shall apply for the housing benefit on dwelling-houses which are not the property of the Government.

### **2. Purpose of scheme**

This Scheme provides a housing benefit to tenants on rent paid for premises leased as ordinary residence of the applicants and their family thus rendering the rent more affordable.

### **3. Definition**

In this Scheme, unless the context otherwise requires:-

"aggregate annual income" has the same meaning assigned to it in clause 12 of this Scheme;

"applicant" means a person who applies for the housing benefit of a private dwelling-house under this Scheme, and when application is made by two or more persons jointly, shall include all applicants;

"the Authority" means the Housing Authority established by Article 3 of the Housing Authority Act, (Cap 261);

"basic year" means the calendar year immediately preceding the year in which an application under this Scheme is made and with reference to clause 13;

"dwelling-house" has the same meaning assigned to it in section 2 of the Principal Act and excludes houses owned or leased by the Government, the Housing Authority, any parasatal body or local Authority;

"principal act" means the home ownership (encouragement Act XXIII of 1988);

"ordinary residence" does not include a summer residence;

"prescribed" means prescribed by the Authority;

In this scheme the singular shall import the plural and the masculine shall import the feminine.

### **4. Applications for housing benefit under the scheme**

Any person qualifying for Assistance under this Scheme may make an application on the prescribed form to the Authority requesting housing benefit on the privately rented house which is:

- (i) occupied by him as his ordinary residence; and

- (ii) rented or acquired by title of temporary emphyteusis not exceeding twenty one (21) years.

## **5. Qualification to apply for housing benefit under this scheme**

A person shall qualify for a housing benefit under this Scheme, if the following conditions are satisfied:-

1. (a) the applicant is a recognised lessee of the privately owned dwelling house on which the housing benefit is being applied for:-
- (b) the applicant must have entered into a contract of lease with the landlord on the residence he/she wishes to rent and the rent agreement should be registered with the Housing Authority and this according to Chapter 604 of the Laws of Malta.

The agreement must be of the following types:-

- (i) a lease agreement covering at least six months; or
- (ii) a contract of temporary emphyteusis not exceeding twenty one (21) years.

Contracts of lease, which were entered into prior the coming into force of this Scheme, whether in their original period or after being renewed according to law, will only be considered if:-

- (i) the rent payable both before (for a period of at least six months) and after the coming into force of this Scheme is the same; or
- (ii) where the rent has increased, this has been the result of law, or as a result of a judgment of a competent court;

provided in both cases the Housing Authority is satisfied that there is no collusion between the parties; and

- (c) the applicant is a Maltese citizen or an EU citizen, a person enjoying a refugee status, a person who possess the status of subsidiary protection, who enjoys a long term residence status or who enjoys a specific residence authorisation. In the case only of married couples but not separated, one of the couple must be a Maltese or EU citizen; and
  - (d) in the case of married couples, two persons who have entered into a Civil Union, and who are not legally or *de facto* separated or more than three applicants together, the application for Assistance under this Scheme must be made jointly *in solidum*;
2. (a) the property is in a good state of repair and in a habitable condition;
  - (b) the lessor is an owner, or emphyteuta (provided that the relative emphyteusis does not exceeds twenty one [21] years);
  - (c) the use of the premises for ordinary residential purposes is lawful and in accordance with the contractual obligations of the lease.

## **6. Disqualification**

A person shall not qualify to make an application under this Section if:-

- (a) the aggregate annual income of the applicant/s exceeding the amount as laid down in Clause 13 and/or
- (b) the unit on which an application is being submitted is not being used as the ordinary residence of the applicant and his family;
- (c) the rental agreement is not registered with the Housing Authority and this according to Chapter 604 of the Laws of Malta.
- (d) the applicant has already benefited from any assistance under what used to be known as the "Home Ownership Scheme"; and/or
- (e) the applicant has already benefitted from subsidy on the rate of interest issued by the Housing Authority or the Department of Social Accommodation and has retained the rights on the same property on which subsidy was enjoyed.

Notwithstanding the provisions of this clause, a person whose spouse has died and who has benefited under any scheme referred to above, may make an application under the provisions of clause 5 of this scheme provided that he/she proves to the Authority, at its own discretion, that the property which had so benefited, had to be sold to satisfy debts due incurred under exceptional circumstances.

## **7. Legally separated spouses**

An applicant who is legally separated, shall produce a copy of the final judgment of the competent court pronouncing separation or a copy of the public deed effecting separation.

For the purpose of this article, the word “separated” shall include a person who is legally separated by a final judgment of the Competent Court pronouncing separation, a person who is legally separated by means of a public deed and in discretion of the Authority a person who is *bona fide* ‘*de facto*’ separated.

This scheme applies also to those persons who are not Maltese Citizens, are married to a Maltese person and are *bona fide de facto*/legally separated and the applicants:-

- (1) have been granted the custody of the children by the Competent Court; and
- (2) have permission so that children may remain in Malta until their twenty first (21<sup>st</sup>) Birthday and who are citizens of Malta by virtue of Section 25 (2) of the Constitution of Malta; and
- (3) their passports are endorsed by the Principal Immigration Officer; and
- (4) are in receipt of children allowance; and
- (5) qualify under the other conditions of the Scheme.

## **8. Method of application**

- (i) A person who qualifies for housing benefit under this Scheme shall submit an application in the prescribed form and shall deliver same at the Authority during the prescribed times.
- (ii) The prescribed forms can be collected from the offices of the Housing Authority 22 Pietro Floriani Street Floriana, Malta and from the Housing Authority branch 25 Enrico Mizzi Street, Victoria, Gozo or from the Housing Authority website.

## **9. Information**

The Authority may require the applicants to sign and confirm any declaration in any form even under oath it may consider necessary for the carrying out of this Scheme. The Housing Authority reserves the right to verify the rent with the landlords.

## **10. Penalty for false information**

If at any time, it results that applicants have made a false declaration or given incorrect information/documents for the purposes of any application or in connection with any revision exercise made under this Scheme, without prejudice to any penalty for which they may have become liable under any other law, applicants shall be liable to the payment to the Authority, of a fine equivalent to the total of any benefit from which applicants have benefited under the provisions of the Scheme. They will also be disqualified for a period of five (5) years from benefiting from any scheme made with the approval of the Minister responsible for Housing, and shall forfeit the right to any benefit under this Scheme.

*Incorrect or false declaration/documents may also lead the applicant to the commencement of criminal procedures against him.*

## **11. Administrative charges and abandoned applications**

- (i) Each application for assistance under this Scheme shall be lodged to the Authority and that application shall not be accepted unless accompanied by the sum of ten Euros (€10) as an administrative charges and together with all the necessary documents.
- (ii) Any expenses incurred by the applicants in connection with their application, shall not be recoverable by the applicants whether or not their application is accepted by the Authority.

## **12. Aggregate annual income**

For all purposes of the application, calculation of the aggregate annual income of applicant shall be as follows:-

- (i) the gross income from any occupation, pay and/or salary, overtime, pension and/or other social benefits (excluding children's allowance, medical assistance and non-contributory allowance) earned by the applicants during the basic preceding calendar year. In the eventually that the applicant had no income in the preceding year, the Authority will take in consideration the income being earned by applicant on date of application. When the application is made by two or more applicants, the gross income of all applicants is taken into consideration.
- (ii) for the purpose of this application, the aggregate annual income of the applicants shall be the income of the applicant/s determined in accordance with the foregoing sub-clauses of

this clause. Yet the Authority shall not be bound to accept any declaration, documents or information given to it by the applicants under this Scheme, should it reasonably consider such declaration, documents or information incorrect or untrue.

In this case the Authority is to refer the matter to the Appeals' Board of the Housing Authority appointed by the Housing Authority Board, in order to establish the income of the applicants/beneficiaries. The decision of the Appeals' Board will be final and shall bind both the Authority and the applicants/beneficiaries. The applicants/beneficiaries effected by this provision have the right to make written objections to the Appeals' Board.

- (iii) from the gross annual income of a separated person any amount paid to the other part as alimony will be deducted. This amount will be deducted after a document is provided, signed by the lawyers of both parties, with a declaration that the official amount as declared in the Deed of Separation is in fact being paid.

### **13. Housing benefit**

- (i) The benefit shall be based on the annual income of the applicants together with the rent being paid by them. The following table indicates the various categories of applicants who can benefit from this scheme, their maximum income permitted together with the maximum amount of housing benefit these applicants are entitled to:-

<b>Category</b>	<b>Households</b>	<b>Maximum Annual Income</b>	<b>Maximum Housing Benefit</b>
1	Single Person	€21,635.4	€4,200
2	Single Parent with 1 child	€21,866.88	€5,400
3	Single Parent with 2 children and more	€26,216.88	€6,000
4	Two Adults without children	€21,816.88	€4,200
5	Couple with 1 child	€26,616.88	€5,400
6	Couple with 2 children and more	€34,635.4	€6,000
7	3 or more adults living together	€30,716.88	€6,000

In case of a disabled person, or a disabled person within a household, the annual income should not exceed €35,000.

An additional €125 per annum will be granted to families having a disabled member, an additional €125 per annum will also be granted to families having more than 5 members, and an additional €300 per annum to families having fostered children living with them.

Single people who:-

- (1) lived in care; or
- (2) were for a period of time fostered; or
- (3) left CCF; or
- (4) who have successfully completed a rehabilitation/therapeutic programme;

can enjoy more benefit until the age of twenty eight (28).

The annual income for the basic year in table above, shall be reviewed every year by the amount of increase on cost of living.

A member of the family is to include only:-

- (1) the applicants; and
- (2) children living in the household including fostered children, grandchildren or children related to the applicant up to the second degree even in the collateral line. The children must be:-
  - (i) not married; and
  - (ii) dependent on the applicant; and
  - (iii) not gainfully employed; and
  - (iv) under 18 years of age.

The age limit shall not apply to children registered as disabled.

- (ii) the benefit shall be given directly to successful applicants by means of direct credit.
- (iii)
  - (a) the basic calendar year on which the annual income is to be assessed shall be that of the calendar year preceding the date of application, for the first assessment and then every two years thereafter. In the eventuality that the applicant had no income in the preceding year, the Authority will take in consideration the income being earned by applicant on date of revision. Every two years the Authority will revise the applicants' annual income.
  - (b) in each year where a revision of income takes place, the applicant has to satisfy all conditions of the scheme and will not be eligible for any housing benefit if he/she does not satisfy conditions at Clauses 5 and 6 of this scheme (even though he/she would have been eligible for benefit on date of application). In this case the applicant will not be eligible for further benefit
- (iv) the benefit shall become effective from the first day of the month following acceptance of application, but future revisions shall become effective from the next payment due and after two years from the first day of the month following acceptance of application.
- (v) the benefit is paid to applicants monthly in advance. While the Housing Authority will no longer be asking the applicants to submit the rent receipts every three months, and this because the benefit will be issued only if the rental agreement is registered with the Housing Authority, the applicant is obliged to keep the rent receipts for at least a period of six months.

If the applicant fails to submit the rent receipts when asked for by the Housing Authority, the applicant will be obliged to refund the benefit that has been given under the Scheme during that year. In additions, the Housing Authority retains the right at its discretion, to request for rent receipts when it deems appropriate.

#### **14. Qualification for housing benefit**

The applicant shall continue to qualify for the benefit after the Authority ascertains that the information given is correct and valid.

A person, who on the first day of the publication of this scheme, will have a valid application under the previous rent subsidy schemes, can apply to terminate his previous application and submit an application under this scheme. The new application will only be considered if the applicant satisfies all the conditions of the scheme. The administrative charges already paid on the first application will not be refunded.

#### **15. Loss of benefit**

(i) If the beneficiary:-

- (a) fails to produce the documents asked for within the time indicated, or
- (b) has submitted information which, at any time, is found to be incorrect, or
- (c) fails to comply with the conditions of this issue; or
- (d) does not continue to use the premises as his ordinary residence; or
- (e) fails to submit valid rent receipts when asked for by the Housing Authority

he shall automatically:

- (i) forfeit the right for benefit on the rent for the period of time which the Authority may determine in its absolute discretion, and
  - (ii) becomes liable to a penalty up to twice the benefit enjoyed, as the Authority may determine in its absolute discretion.
- (ii) The rent benefit is suspended immediately as soon as the rental agreement is no longer registered with the Housing Authority, or the contract is terminated. In the case where the rent receipts are not presented when requested for, the beneficiary will be obliged to refund the amount of benefit enjoyed during the year under this scheme

#### **16. Vacation of premises on which the housing benefit has been granted**

If the applicant decides to vacate the premises on which a benefit has been granted, he should notify the Authority in advance and the benefit shall be stopped immediately the applicant ceases to reside in the house, and any benefit in respect of the period following the termination of occupancy will have to be refunded.

#### **17. Right of refusal**

Notwithstanding anything contained in the foregoing provisions of this Scheme, the Authority shall have the right to refuse any application.

#### **18. Duration of scheme**

This Scheme shall remain in force for a period of one year from the date of its publication in the Government Gazette, and shall be automatically renewed for a further period of one year unless a notice to the contrary is published in the Government Gazette indicating that the scheme has been withdrawn.

## **19. Interpretation**

In case the Maltese text differs from the English text, the Maltese text will prevail.

## **20. Amendment of scheme**

The Authority shall have the right to make any amendments to this Scheme by publication of the said amendments in the Government Gazette. Such amendments may be made applicable retroactively. No amendments shall subject the Authority to an action for damages or any other legal action.