

## Revenue Circular DAA014.2 - *First Home Owner Grant Act 2000 and Duties Act 1999* New and Substantially Renovated Homes

### CIRCULAR HISTORY

Circular number	Issued date	Dates of effect		Status
		From	To	
DAA014	1 July 2014	1 July 2014	31 December 2014	Republished as DAA014.1 with minor amendments
DAA014.1	15 April 2015	1 January 2015	31 December 2015	Republished as DAA014.2 with minor amendments
DAA014.2	December 2015	1 January 2016	-	Current

### PREAMBLE

#### FIRST HOME OWNER GRANT

1. The purpose of the First Home Owner Grant (FHOG) is to encourage home ownership by providing assistance to eligible persons for the purchase or construction of their first home. For full details of the FHOG, see the FHOG Lodgment Guide and Application Form on the ACT Revenue Office website at <http://www.revenue.act.gov.au>.
2. From 1 September 2013, the FHOG was retargeted to those new home owners who are buying a newly-constructed house or one which has undergone substantial renovations. This change in policy is aimed to promote the construction industry within the ACT, while increasing the assistance provided to those buying their first homes.

#### HOME BUYER CONCESSION SCHEME

3. Chapter 2 of the *Duties Act 1999* (the Duties Act) imposes duty on certain transactions, including a transfer of dutiable property, an agreement for the sale or transfer of dutiable property and the grant of a Crown lease. Dutiable property is defined as, among other things, land in the ACT, a Crown lease, a land use entitlement and an interest in any such dutiable property.
4. The Home Buyer Concession Scheme (HBCS) is an ACT Government initiative administered by the ACT Revenue Office to assist persons in purchasing residential homes or residential vacant land by charging duty at a concessional rate.
5. From 1 September 2012, the HBCS ceased to be available on the purchase of an established property. This change in policy aimed to promote the construction industry within the ACT, while increasing the assistance provided to eligible home buyers purchasing their homes.
6. The HBCS is currently only available for the purchase of new homes or substantially renovated homes, and land only.

### CIRCULAR

7. This circular aims to provide guidance on how the Commissioner for ACT Revenue (the Commissioner) interprets the terms 'new home' and 'substantially renovated home' when assessing an applicant's eligibility for either, or both, the FHOG or HBCS.

## **NEW HOMES**

### **What constitutes a new home?**

8. A **new home** is defined as a home that has not been:
  - a. previously occupied; or
  - b. sold as a place of residence.
9. The Commissioner considers that, for an applicant to be eligible for either the FHOG or the HBCS on the purchase of a new home, the home must not have previously been occupied and/or the home must not have previously been sold as a place of residence. This is a two-limbed test where both conditions must be satisfied. If the house has not been previously occupied, but it has previously been sold as a place of residence (irrespective of whether residence has occurred), the applicant is ineligible for the FHOG and the HBCS. Similarly, if the house has not previously been sold as a place of residence, but has previously been occupied, the applicant is ineligible.

### **Required Documentation: New Home**

10. The following must be provided by all applicants for the FHOG and HBCS:
  - a. FHOG or HBCS Application Form;
  - b. The dated and signed Contract for Sale;
  - c. A copy of the Certificate of Occupancy and Use issued by the Environment and Planning Directorate – *if available at time of application*
11. The Commissioner may request further evidence than that detailed above if required, to determine an applicant's eligibility for the HBCS or FHOG.

## **SUBSTANTIALLY RENOVATED HOMES**

### **What constitutes a home which has had substantial renovations?**

12. A substantially renovated home means a home that:
  - a. has substantial renovations; and
  - b. as renovated, has not been previously occupied or has not been sold as a place of residence.
13. Substantial renovations of a building are renovations in which all, or substantially all, of the building is removed or replaced. This includes removal or replacement of all, or a substantial part, of the structural and non-structural components of the dwelling.
14. The renovations must have affected the building as a whole and resulted in the removal or replacement of all, or substantially all, of the previous building. For renovations to have been substantial, they must have affected most of the rooms in the previous building.
15. The renovation of only one part of a building, without any work on the remaining parts of the building (for example, the renovation of only one bedroom in a four-bedroom house), would not constitute substantial renovations. Similarly, the removal and replacement of a kitchen and bathroom with little else having been done to the building, apart from minor repair work, would not be substantial renovations. Cosmetic work only does not constitute substantial renovations.
16. **Table 1** below provides examples of substantial (structural) and non-substantial (cosmetic) renovations. These examples should be considered in their totality and not in isolation. For example, altering brickwork to replace windows is not a substantial renovation in isolation, but in conjunction with replacement of walls, foundations and roofs, may indicate significant structural building work has occurred on the property.

**TABLE 1:**

Substantial Renovations	Non-substantial renovations
<b>Structural and non-structural building work:</b>	<b>Cosmetic work:</b>
<ul style="list-style-type: none"><li>• Replacing or altering foundations</li><li>• Replacing or altering floors or supporting walls</li><li>• Replacing or altering non-supporting walls (interior and exterior)</li><li>• Lifting or modification of roofs</li><li>• Altering brickwork to replace existing windows and doors</li></ul>	<ul style="list-style-type: none"><li>• Painting</li><li>• Plastering or rendering an entire wall or walls</li><li>• Sanding floors</li><li>• Plumbing (e.g. replacing pipes)</li><li>• Replacing light fittings</li><li>• Replacing curtains and carpets</li><li>• Repairing electrical wiring</li></ul>

17. For the building to meet the eligibility test for either the FHOG or the HBCS, no person must have occupied the home from the date the Certificate of Occupancy was issued for the property, to the date the Contract for Sale is executed, or the home transferred from the vendor, whichever is earlier. Those applicants who seek to purchase property and then substantially renovate it are not eligible for either the FHOG or the HBCS. The property must be either new or substantially renovated prior to its sale by the vendor.

**Required Documentation: Substantially Renovated Home**

18. The following must be provided by all applicants:
- a. FHOG or HBCS Application Form
  - b. The dated and signed Contract for Sale
  - c. A copy of the Certificate of Occupancy and Use issued by the Environment and Planning Directorate
19. The Commissioner may request further evidence than that detailed above if required, to determine an applicant’s eligibility for the HBCS or FHOG.

**False or Misleading Information**

20. Applicants must ensure information contained in or in connection with their applications is information they know to be true and correct in every particular. If the grant or concession is subject to conditions notified to applicants in writing, applicants must comply with the conditions or repay the grant or concession if they are unable to comply. Applications are made on a self-assessment basis.
21. Applicants who receive a grant or concession to which they are not entitled, or who do not comply with the residency requirements, or who fail to comply with notification and repayment obligations may, in addition to repaying the grant or the concession amount, be subject to penalty tax and the payment of interest.
22. Information supplied by applicants is compliance-checked after the grant or concession has been paid.

**Criminal Penalties**

23. Giving false or misleading information is a serious offence. For details of the serious criminal offences of making, giving or producing false or misleading statements, information or documents: see the *Criminal Code 2002*.

Signed

Kim Salisbury  
Commissioner for ACT Revenue  
23 December 2015

### Contact the ACT Revenue Office

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