AWTORITÀ TAD-DJAR

Sussidju fuq il-Kera f'Residenzi Privati
(2017)

1. Titolu

Din l-iskema msejħa Skema ta' Sussidju fuq Kera ta' Residenzi Privati u għandha tapplika għas-sussidju fuq kera ta' fondi li mhumiex proprjetà tal-Gvern.

2. Skop tal-Iskema

Din l-iskema tipprovdi sussidju fuq il-kera mħallsa fuq fondi mikrija bħala residenza ordinarja tal-applikant u l-familja tiegħu.

3. Tifsir

F'din l-iskema, kemm il-darba r-rabta tal-kliem ma teħtieġx xort'oħra:-

"dħul totali fis-sena" għandha l-istess tifsira mogħtija lilha fil-klawsola 12 ta' din l-iskema;

"applikanta" tfisser persuna li tapplika għas-sussidju fuq il-kera ta' dar ta' abitazzjoni tal-privat taħt din l-iskema u meta l-applikazzjoni ssir minn tnejn jew aktar flimkien, għandha tinkludi l-applikanti kollha;

"l-Awtorità" tfisser l-Awtorità tad-Djar imwaqqfa bl-artikolu 3 tal-Att tal-Awtorità tad-Djar: (Kap 261);

"sena bażi" tfisser is-sena kalendarja minnufih qabel is-sena li fiha ssir applikazzjoni taħt din l-iskema u b'referenza għall-klawsola 13;

"dar ta' abitazzjoni" għandha l-istess tifsira mogħtija lilha fil-klawsola 2 tal-Att prinċipali u teskludi djar proprjetà tal-Gvern jew mikrija mill-Gvern, l-Awtorità tad-Djar, korpi parastatali jew xi Awtorità lokali;

"l-att prinċipali" tfisser l-Att XXIII tal-1988 biex tħajjar persuni jsiru sid darhom;

"residenza ordinarja" ma tinkludix residenza tas-sajf;

"preskritt" tfisser preskritt mill-Awtorità;

F'din l-iskema s-singular jimporta l-plural u l-maskil jimporta l-femminil.

4. Applikazzjonijiet għall-Sussidju fuq Kera taħt din l-Iskema

Kull persuna li tikkwalifika għall-għajnuna taħt din l-iskema għandha timla l-formola preskritta mill-Awtorità biex titlob sussidju fuq il-kera tar-residenza tal-privat li:

(i) tkun okkupata minnha bħala r-residenza ordinarja tagħha; u

(ii) tkun mikrija jew akkwistata taħt titolu ta' ċens temporanju li ma jeċċedix il-wieħed u għoxrin (21)sena.

5. Kwalifiki għall-Applikant għas-Sussidju fuq il-Kera taħt din l-Iskema

Persuna tikkwalifika għal sussidju fuq il-kera taħt din l-iskema jekk tissodisfa l-kundizzjonijiet li ġejjin:-

(1) (a) l-applikant huwa l-kerrej konoxxut mis-sid tad-dar privata li fuqha qed issir l-applikazzjoni:-

(b) l-applikant ikun diġa' għamel ftehim bil-miktub ma' sid il-post li fuqu qed issir it-talba taħt din l-iskema u għandu jippreżenta kopja ta' dan il-kuntratt lill-Awtorità.

Il-ftehim bil-miktub għandu jkun wieħed mit-tip li ġejjin:-

(i) Ftehim ta' kirja li jkopri tal-anqas sitt xhur; jew

(ii) Kuntratt ta' enfitewsi temporanja li ma jaċċedix il-wieħed u għoxrin (21)sena.

Il-ftehim ta' kirja, li ġie kuntrattat qabel ma ġiet *in vigore* din l-iskema, kemm fil-perjodu oriġinali jew wara li ġie mġedded skont il-liġi, jiġi kkunsidrat biss jekk:

(i) il-kera pagabbli kemm qabel (għal mill-anqas ta' perjodu ta' sitt xhur) u wara li ġiet *in vigore* din l-iskema baqa' l-istess; jew

(ii) fejn il-kera ġiet awmentata, jekk dan jirriżulta kemm bil-liġi, jew bħala riżultat ta' xi digriet jew sentenza mill-Qorti kompetenti,

bil-kundizzjoni li fiż-żewġ każijiet l-Awtorità tkun sodisfatta li ma hemmx kollużjoni bejn il-partijiet; u

(c) l-applikant huwa ċittadin ta' Malta jew tal-Unjoni Ewropea. Fil-każ ta' miżżewġin jew żewġ persuni imsieħba f'Unjoni Ċivili mhux separati, biżżejjed li parti waħda tkun Maltija jew ċittadina tal-Unjoni Ewropea; u

(d) l-applikanti huma residenti ta' Malta u jkunu ilhom residenti kontinwament għal mhux anqas minn tmintax-il (18) xahar konsekuttivi minnufih qabel id-data tal-applikazzjoni; u

(e) f'każ ta' koppja miżżewwġa jew żewġ persuni imsieħba f'Unjoni Ċivili li mhumiex legalment jew *de facto* separati, l-applikazzjoni għall-għajnuna taħt din l-iskema għandha issir flimkien *in solidum;*

(2) (a) il-fond ikun fi stat tajjeb ta' tiswija u f'kundizzjoni abitabbli. L-Awtorità iżżomm id-dritt li tivverifika dan l-istat permezz ta' spezzjoni minn uffiċjali tal-Awtorità tad-Djar

(b) dak li qed jagħti b'kiri hu s-sid jew l-enfitewta (b'dan illi ċ-ċens temporanju ma jeċċediex il-wieħed u għoxrin (21) sena.

(c) dak li qed jagħti b'kiri mhux dixxendent dirett jew axxendent dirett jew b'mod ieħor qarib tal-applikant sat-tieni grad anke kollaterali jew ko-proprjetarju mal-kerrej.

B'dan illi din is-sub-klawsola tibqa' applikabbli biss fid-diskrezzjoni assoluta tal-Awtorità tad-Djar li jkollha d-dritt taċċetta applikazzjonijiet anke ta' każijiet li jaqgħu taħt din is-sub-klawsola, fejn tqis li tali applikazzjonijiet ikunu ġenwini.

(d) l-użu tal-fond bħala residenza ordinarja huwa skont il-liġi u skont l-obbligi kontrattwali tal-kirja.

6. Skwalifika

Persuna ma tikkwalifikax biex tapplika taħt din l-iskema jekk:-

(a) tkun diġa bbenefikat minn xi għajnuna taħt dik li kienet magħrufa bħala 'l-Iskema tal-*Home Ownership'*, minn xi skema oħra maħruġa mill-Awtorità tad-Djar intiża biex persuni jiġu mħajra jsiru sid darhom mid-Dipartiment

għall-Akkomodazzjoni Soċjali jew mid-Dipartiment tal-Artijiet jew mill-Awtorità jew minn uħud minnhom flimkien.

Iżda f'każ ta' persuni li jkunu ibbenefikaw minn sussidju fuq ir-rata tal-imgħax, f'każ li dawn trasferixxew lill-terżi jew lill-xulxin id-drittijiet fuq il-proprjetà li fuqha tgawda s-sussidju (u s-sussidji gawduti ikunu ġew kollha rifużi fejn applikabbli), dawn iż-żewġ partijiet jistgħu japplikaw taħt din l-iskema.

(b) minn sena qabel id-data tal-applikazzjoni sakemm idum jiġi gawdut is-sussidju taħt din l-iskema;

(i) kellha jew ikollha proprjetà immobbli diviża jew indiviża, waħedha jew ma' oħrajn b'titolu ta' proprjetà assoluta jew enfitewsi perpetwa li għalihom inħareġ jew seta' jinħareġ permess għall-bini ta' fond għall-abitazzjoni mill-awtoritajiet kompetenti;

(ii) kellha jew ikollha fil-pussess tagħha diviżament jew indiviżament, waħedha jew ma' oħrajn fond tajjeb għall-abitazzjoni b'titolu ta' proprjetà assoluta jew b'titolu ta' enfitewsi perpetwa jew temporanja għal żmien oriġinali li jeċċedi l-erbgħin (40) sena;

(iii) kellha jew ikollha ishma f'soċjetà kummerċjali li qabel sena mid-data tal-applikazzjoni, kellha proprjetà immobbli bħal dik imsemmija fiż-żewġ paragrafi qabel dan.

B'dana illi persuna ma tiġix skwalifikata taħt dan l-artikolu għas-sempliċi raġuni illi għandha fil-pussess tagħha residenza li tappartjeni lilha kif fuq jingħad u li fl-opinjoni tal-Awtorità u skont id-diskrezzjoni assoluta u finali tagħha dak il-fond mhux adegwat għall-akkomodazzjoni residenzjali tal-applikant u l-familja tiegħu/tagħhom.

Din il-klawsola tibqa' applikabbli biss fid-diskrezzjoni assoluta tal-Awtorità tad-Djar li jkollha d-dritt taċċetta applikazzjonijiet anke ta' każijiet li jaqgħu taħt din il-klawsola, fejn tqis li tali applikazzjonijiet ikunu ġenwini.

(c) id-dħul annwali totali tal-applikant/i jeċċedi s-somma kif stipulata fi Klawsola 13 u/jew

(d) minn sena qabel id-data tal-applikazzjoni sakemm idum jiġi gawdut is-sussidju taħt din l-iskema, tkun tippossedi assi kapitali ta' aktar minn €23,300. Dawn l-assi ma jinkludux l-għamara u karozzi. Dawn l-assi jistgħu jinkludu immobbli jew ishma minn immobbli f'liema każ il-valutazzjoni tagħhom tkun fid-diskrezzjoni assoluta tal-Awtorità tad-Djar.

Applikanti bi dħul annwali minn:-

- Għajnuna Soċjali- (SA);
- Għajnuna Soċjali għal Ġenitur Wieħed (SUP);
- Assistenza għal-Qagħad (UA);
- Penzjoni mhux Kontributorja (AP);
- Penzjoni Nazzjonali Minima tal-Invalidita' (NMIP);

jistgħu jiġu eżentati mill-eżami tal-mezzi.

Minkejja il-kundizzjonijiet ta' din il-klawsola persuna li martu/żewġha miet u li kienu bbenefikaw taħt xi skema msemmija aktar 'il fuq tista' tagħmel applikazzjoni taħt il-kondizzjonijiet ta' klawsola 5 ta' din l-iskema bil-patt li din il-persuna tipprova lill-Awtorità, u fid-diskrezzjoni assoluta tagħha, li l-proprjetà li bbenefikat minnha kellha tiġi mibjugħa biex jiġu mħallsa djun inkorsi f'ċirkostanzi eċċezzjonali.

(e) il-fond li għalih issir l-applikazzjoni mhux użati bħala r-residenza ordinarja tal-applikanti u tal-familji tagħhom.

7. Miżżewwġin Legalment Separati

Applikant li jkun legalment mifrud għandu jippreżenta kopja tad-deċiżjoni finali tal-qorti kompetenti li tippronunzja l-firda jew kopja tal-att pubbliku li jagħti effett lill-firda bil-kunsens taż-żewġ miżżewġin bl-Awtorità tal-Qorti kompetenti.

Għal skop ta' dan l-artikolu, il-kelma 'separata' għandha tinkludi persuna li hi legalment separata wara sentenza finali tal-Qorti kompetenti, persuna li hi legalment separata permezz ta' att pubbliku li jagħti effett lill-firda bil-kunsens taż-żewġ miżżewġin u bl-Awtorità tal-Qorti kompetenti u, fid-diskrezzjoni assoluta tal-Awtorità, persuna li hi *bone fide de facto* separata.

Din l-iskema tapplika ukoll għall-persuna li mhix ċittadina ta' Malta iżda hija miżżewġa persuna Maltija u li hija *bone fide de facto* jew legalment separata u li:-

(1) l-Qorti tat il-kustodja tat-tfal lill-applikant; u

(2) għandha l-permess mill-Expatriate Division tal-Uffiċċju tal-Prim Ministru li tista' tgħix u taħdem f'Malta; u

(3) it-tfal jistgħu jgħixu Malta sal-età ta' wieħed u għoxrin (21) sena u li huma ċittadini ta' Malta bis-saħħa ta' Section 25 (2) tal-Kostituzzjoni ta' Malta; u

(4) għandha Passaport approvat (*endorsed*) mill-Principal Immigration Officer; u

(5) qed tirċievi iċ-*Children Allowance;* u

(6) ilha residenti ordinarja f'Malta għal tal-anqas sentejn (2) immedjatament qabel id-data tal-applikazzjoni; u

(7) tikkwalifika taħt il-kundizzjonijiet l-oħra tal-Iskema.

8. Metodu ta' Applikazzjoni

(i) Persuna li tikkwalifika għas-sussidju fuq il-kera taħt din l-iskema għandha tissottometti applikazzjoni fuq formola preskritta u għandha tieħu l-formola personalment lill-Awtorità waqt il-ġranet u ħinijiet tal-uffiċċju.

(ii) Il-formoli jistgħu jinġabru mill-Awtorità tad-Djar 22, Triq Pietro Floriani, Floriana u mill-fergħa tal-Awtorità tad-Djar 25, Triq Enrico Mizzi, Victoria, Għawdex jew fuq is-sit elettroniku tal-Awtorità.

9. Informazzjoni

L-Awtorità tista' titlob lill-applikant biex jiffirma u jikkonferma bil-ġurament kull dikjarazzjoni li hi tista' tqis meħtieġa għat-twettiq ta' din l-iskema u l-applikant għandu jippermetti lill-Awtorità li tispezzjona r-residenza ordinarja tiegħu u kull fond ieħor miżmum minnu skont kif l-Awtorità tista' titlob. L-Awtorità tad-Djar iżżom id-dritt li tagħmel il-verifikazzjonijiet meħtieġa dwar il-kirja mas-sidien tal-fond.

10. Piena għal-Dikjarazzjonijiet Foloz

Jekk f'xi żmien jirriżulta li l-applikanti jkunu għamlu dikjarazzjoni falza jew taw informazzjoni u dokumenti mhux korretti għall-finijiet tal-applikazzjoni jew in konnesjoni mal-eżerċizzju tar-reviżjoni taħt din l-iskema, mingħajr preġudizzju għal xi piena li huma jkunu setgħu saru suġġett għaliha taħt xi liġi oħra, l-applikanti jkunu suġġetti għall-pagament lill-Awtorità ta' penali li tkun ekwivalenti għas-somma totali ta' kull sussidju li minnu jkunu bbenefikaw taħt din l-iskema. Huma jkunu ukoll skwalifikati għall-perjodu ta' ħames (5) snin milli jibbenefikaw taħt xi skema magħmula bl-approvazzjoni tal-Ministru responsabbli għad-Djar, u jitilfu d-dritt għal xi sussidji taħt din l-iskema.

Dikjarazzjoni jew dokumenti skorretti jew foloz jistgħu jesponu lill-applikanti għal proċeduri kriminali.

11. Ħlas Amministrattiv u Abbandun ta' Applikazzjonijiet

(i) Kull applikazzjoni għall-għajnuna taħt din l-iskema għandha tiġi preżentata personalment minn wieħed mill-applikanti lill-Awtorità u dik l-applikazzjoni ma tiġix aċċettata kemm il-darba ma jkunx hemm magħha s-somma ta' għaxar Ewro (€10) bħala ħlas amministrattiv. Oltre dan l-applikant jiġi mitlub iħallas somma ta' flus li tkopri l-ispejjeż fuq riċerki fuq l-applikanti li l-Awtorità tad-Djar tkun mitluba tħallas għan-nom tagħhom.

(ii) Meta xi applikant taħt din l-iskema jonqos li jidher għall-ftehim meta jkun imsejjaħ mill-Awtorità, l-applikazzjoni tiegħu titqies li ġiet abbandunata u kull ħlas u depositu mħallsa minnu jintilfu. F'kull każ kull spiża magħmula mill-applikanti in konnessjoni mal-applikazzjoni tagħhom tkun a karigu tagħhom u ma jiġux meħuda lura mill-istess applikanti kemm jekk l-applikazzjoni tkun aċċettata mill-Awtorità kemm jekk ma tiġix aċċettata mill-Awtorità.

12. Dħul Annwu Totali tal-Applikant

Għall-skopijiet ta' din l-applikazzjoni d-dħul annwu aggregat tal-applikant u benefiċjarji jinkludi:

(i) dħul gross minn impjieg, paga u/jew salarju, *overtime*, pensjoni u/jew benefiċċju soċjali oħra tal-applikanti (esklużi ċ-*Children's Allowance*) fl-intier tagħhom għas-sena bażi preċedenti. Meta l-applikazzjoni ssir minn żewġ applikanti jew aktar, jiġi kkunsidrat id-dħul gross minn impjieg tal-applikanti kollha.

(ii) id-dħul tal-applikant għas-sena bażi kalendarja minn kapital imħaddem, bħal depożiti f'banek, *shares, stocks,* self, kirjiet, investimenti f'intrapriżi kummerċjali, investimenti oħra, fil-proprjetà inkluż qliegħ kapitali (*capital gains*).

(iii) għall-iskop ta' din l-applikazzjoni, id-dħul annwu aggregat totali tas-sena tal-applikant għandu jkun dak id-dħul tal-applikant/i determinat fis-sub-klawsoli ta' din il-klawsola. Iżda l-Awtorità tad-Djar ma tkunx marbuta li taċċetta dikjarazzjonijiet, dokumenti jew informazzjoni oħra mogħtija lilha mill-applikant f'din l-applikazzjoni, jekk l-Awtorità tad-Djar tikkonsidra b'mod raġjonevoli illi tali dikjarazzjonijiet, dokumenti jew informazzjoni bħala mhumiex korretti jew veri.

(iv) mid-dħul gross annwali jitnaqqas kull ammont li persuna separata tħallas lill-parti l-oħra bħala manteniment. Dan l-ammont jitnaqqas wara li jiġi provdut dokument, iffirmat mill-avukati taż-żewġ partijiet b'dikjarazzjoni li, l-ammont uffiċjali kif huwa dikjarat fil-kuntratt tas-separazzjoni qiegħed fil-fatt jitħallas.

(v) mid-dħul annwali jitnaqqas il-kontribuzzjonijiet għas-Sigurtà Nazzjonali, kull taxxa mħallsa fuq id-dħul mill-impjieg u kull għajnuna medika jew kull benefiċċju soċjali li l-Awtorità tista' fid-diskrezzjoni assoluta tagħha teskludi minn żmien għal żmien.

Iċ-*Chairman* tal-Awtorità jista' jirrifjuta bħala inaċċettabbli, dikjarazzjoni tad-dħul tal-applikanti jekk fid-diskrezzjoni assoluta tagħha l-Awtorità jidhrilha illi din mhix korretta jew vera.

F'dan il-każ, l-Awtorità għandha tirreferi l-każ lill-Bord tal-Appell maħtur mill-Bord tal-Awtorità tad-Djar, sabiex dan jistabbilixxi d-dħul tal-applikanti. Id-deċiżjoni tal-Bord tal-Appell tkun finali u torbot kemm lill-Awtorità kif ukoll lill-applikanti. L-applikanti milquta għandhom id-dritt jagħmlu r-rappreżentazzjonijiet tagħhom quddiem il-Bord tal-Appell.

13. Sussidju fuq il-Kera

(i) Is-sussidju jkun ibbażat fuq id-dħul annwu skont it-tabelli li ġejja:-

Tabella "A" - Kera sa €203.14 fis-sena :-

Dħul Annwu Totali għas-Sena Bażi Kalendarja	**Sussidju Massimu Mħallas fis-sena**	**L-Anqas Kera Mħallsa Mill-Kerrej fis-sena**
Persuna li tgħix waħedha		
€	€	€
0,000 – 6,520	80	105
Familja ta' 2 persuni (adulti)		
€	€	€
0,000 –8,015	100	85
Familja ta' 3 membri u aktar (familji bi tfal)		
€	€	€
0,000 – 9,520	120	65

Tabella 'B' - Kera AKTAR minn € 203.15 fis-sena:-

Kategorija	**Dħul Annwu Totali għas-Sena Bażi Kalendarja**	**Sussidju Massimu Mħallas fis-sena**	**L-Anqas Kera Mħallsa Mill-Kerrej fis-sena**
Persuna li tgħix waħedha			
	€	€	€
A	0,000 – 8,600	1,600	203.14
B	8,601 – 9,600	1,300	300
C	9,601 - 13,600	1,100	350
Familja ta' 2 persuni (adulti)			
	€	€	€
A	0,000 – 16,000	1,900	203.14
B	16,001 – 20,000	1,700	250
C	20,001 - 21,000	1,500	300
Familja ta' 3 membri u aktar (familji bi tfal)			
	€	€	€
A	0,000 – 19,000	2,000	203.14
B	19,001 – 20,000	1,800	250
C	20,001– 21,000	1,600	300
D	21,001 – 22,000	1,400	350
E	22,001 – 23,000	1,200	400

Id-dħul annwali għas-sena bażi fit-Tabelli fuq indikati jkun rivedut kull sena bl-ammont ta' awment a bażi ta' kull sena tan-*National Minimun Wage.*

Membru tal-familja għandu jinkludi biss:-

(1) l-applikanti; u

(2) tfal li jgħixu fil-familja li jinkludu tfal *fostered*, neputijiet jew tfal relatati mal-applikant sa tieni grad anke fil-linja kollaterali. It-tfal iridu jkunu:-

(i) mhux miżżewġa; u
(ii) dipendenti mill-applikant; u
(iii) bla impjieg; u
(iv) taħt it-tmintax-il sena.

L-eta' ma tapplikax għall-persuni reġistrati bħala *disabled.*

(ii) is-sussidju jiġi mħallas dirett lill-applikant li jikkwalifikaw taħt din l-iskema permezz ta' *direct credit*.

(iii) (a) is-sena bażi kalendarja li fuqha jiġi assessjat d-dħul annwali jkun dak tas-sena kalendarja li tippreċedi d-data tal-applikazzjoni, għall-ewwel *assessment* u mbagħad kull sentejn ta' wara. Kull sentejn l-Awtorità tad-Djar tagħmel revizjoni fuq id-dħul u l-assi tal-applikanti

(b) f'kull sena tar-reviżjoni l-applikant irid jissodisfa l-kundizzjonijiet kollha tal-iskema. Jekk fid-data tar-reviżjoni hu ma jissodisfax il-kundizzjonijiet ta' Klawsola 6 ta' din l-iskema (u dan minkejja li fid-data tal-applikazzjoni hu kien issodisfa dawn il-kundizzjonijiet u b'hekk kien ikkwalifika) ma jkunx intitolat għal xi sussidju ulterjuri.

(iv) Is-sussidju jkun effettiv mill-ewwel ġurnata tax-xahar ta' wara li tiġi aċċettata l-applikazzjoni imma reviżjonijiet futuri jkunu effettivi mill-pagament li jkun imiss wara sentejn mid-data li kien ikopri l-ewwel pagament tas-sussidju.

(v) is-sussidju huwa pagabbli fuq il-kera mħallsa mill-applikant biss kif stabbilit fil-bidu tal-kirja.

(vi) is-sussidju jiġi mħallas lill-applikant tal-anqas bi tlett xhur b'lura permezz ta' *Direct Credit* u skont kif jitħallas minnu wara talba lill-Awtorità kontra riċevuta tal-pagament tal-kera kollha lis-sid. L-Awtorità pero' ikollha diskrezzjoni li tagħmel il-ħlas tas-sussidju qabel.

14. Kwalifikazzjoni għal Sussidju fuq il-Kera

L-applikant ikompli jikkwalifika għas-sussidju wara li l-Awtorità taċċerta ruħha li l-informazzjoni mogħtija tkun korretta u valida.

Persuna li, fl-ewwel data tal-pubblikazzjoni ta' din l-iskema fil-Gazzetta tal-Gvern, ikollha applikazzjoni taħt xi skemi preċedenti tas-sussidju tal-kera tal-Awtorità tad-Djar, tista tapplika biex tittermina l-applikazzjoni preċedenti u tapplika taħt din l-iskema. L-applikazzjoni tiġi kkunsidrata f'każ biss li tissodisfa l-kundizzjonijiet kollha ta' din l-iskema. B'dana illi l-ħlas amministrattiv diġa' mħallas fuq l-ewwel applikazzjoni ma jiġix rifuż.

15. Telf ta' Sussidju

Jekk il-benefiċjarju:-

(a) jonqos li jipprovdi d-dokumenti mitluba minnu fiż-żmien stipulat; jew
(b) ikun ta informazzjoni li, f'kull ħin, tinstab li hi skorretta; jew
(c) jonqos milli josserva l-kundizzjonijiet tal-iskema; jew
(d) ma jibqax jgħix u juża l-fond bħala r-residenza ordinarja tiegħu; jew
(e) għandu fil-pussess tiegħu t-tieni residenza kemm permezz ta' akkwist, wirt jew b'xi titolu ieħor;
(f) jonqos li jipprovdi l-kuntratt tal-kirja kif ukoll irċevuti validi tal-kera mħallsa

huwa awtomatikament:

(i) jitlef id-dritt għas-sussidju fuq il-kera għall-perjodu ta' żmien li l-Awtorità tiffissa u dan fid-diskrezzjoni assoluta tagħha, u
(ii) jiġi suġġett għall-penalitajiet sad-doppju tas-sussidju li kien ibbenefika, kif jiġi stabbilit mill-Awtorità fid-diskrezzjoni assoluta tagħha.

Fil-każ ta' kirjiet qabel 1995, ikun biżżejjed li jiġu provduti l-irċevuti tal-kera.

16. Meta Titbattal Residenza li fuqha qed tingħata Għajnuna

Meta l-applikant jiddeċiedi li jivvaka r-residenza tiegħu li fuqha qed tingħata għajnuna, huwa għandu javża b'dan lill-Awtorità minn qabel u s-sussidju jiġi mwaqqaf immedjatament kif l-applikant jieqaf jgħix f'din ir-residenza, u kull sussidju mħallas għal dak il-perjodu li jiġi wara li l-applikant jieqaf li jgħix fir-residenza għandu jiġi rifuż.

17. Dritt ta' Rifjut ta' Applikazzjoni

Minkejja kull ħaġa li tinsab fid-dispożizzjonijiet ta' din l-iskema l-Awtorità jkollha d-dritt li tirrifjuta kull applikazzjoni.

18. Tul tal-Iskema

Din l-iskema tibqa' *in vigore* għall-perjodu ta' sena mid-data tal-pubblikazzjoni tagħha fil-Gazzetta tal-Gvern u tkun imġedda awtomatikament għall-perjodu ta' sena oħra sakemm ma jiġix ippubblikat fil-Gazetta tal-Gvern avviż li jtemm l-iskema.

19. Interpretazzjoni

F'kull każ qed jiġi ribadit li f'każ ta' diverġenza bejn it-test Malti u dak Ingliż, it-test Malti għandu jipprevali.

20. Emendi għall-Iskema

L-Awtorità żżomm id-dritt li tagħmel kwalunkwe emenda neċessarja għal din l-iskema billi tippubblika dawn l-emendi fil-Gazzetta tal-Gvern. Tali emendi jistgħu jsiru anke biex japplikaw b' mod retroattiv. Ebda emenda ma tista' tesponi lill-Awtorità għal xi azzjoni ta' danni jew għal xi azzjoni legali oħra.

It-3 ta' Jannar, 2017

HOUSING AUTHORITY

Rent Subsidisation on Privately Owned Dwellings
(2017)

1. Title

This Scheme may be cited as the Rent Subsidisation on Privately owned dwelling and shall apply for the rent subsidy on dwelling-houses, which are not the property of the Government.

2. Purpose of Scheme

This Scheme provides tenants on rents paid for premises leased as ordinary residence of the applicants subsidy to and their family.

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 rent subsidisation 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 Rent Subsidisation Under the Scheme

Any person qualifying for Assistance under this Scheme may make an application on this prescribed form to the Authority requesting rent subsidy on the privately owned house:

(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 Rent Subsidisation Under this Scheme

A person shall qualify for rent subsidisation 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 rent subsidisation 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 must provide to the Housing Authority a copy of such contract.

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 was 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. In the case only of married couples or two persons who have entered into a Civil Union but not separated, one of the couple must be a Maltese or EU citizen; and

(d) applicants are residents of Malta and have been so resident continuously for not less than eighteen (18) consecutive months immediately preceding the date of application; and

(e) in the case of married couples or two persons who have entered into a Civil Union who are not legally or *de facto* separated, the application for Assistance under this Scheme must be made by both spouses jointly; and

2. (a) the property is in a good state of repair and in a habitable condition. The Housing Authority reserves the right to verify the state of the property by means of an inspection by Housing Authority officials.

(b) the lessor is an owner and not sub-lessor, or emphyteuta or sub-emphyteuta (provided that the relative emphyteusis does not exceeds twenty one {21} years).

(c) the lessor is not a direct descendant or ascendant or otherwise related to the applicant's up to two degrees even collateral or a co-owner with the lessee.

This sub-clause shall remain applicable at the absolute discretion of the Housing Authority to have the right to accept applications that fall under this sub-clause as long as it considers applications to be genuine.

(d) 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) applicants have already benefited from any assistance under what used to be known as the "Home Ownership Scheme", from any other schemes issued by the Housing Authority or from any other assistance for the encouragement of home ownership by the Department of Social Housing or by the Lands Department or by the Authority or by any of them jointly. However, in case of couples who benefitted from subsidy on the rate of interest and who transferred to one another or to third parties, the property on which the subsidy was granted (and the subsidy enjoyed was refunded in full where applicable) both parties can apply under this scheme.

(b) from a year prior the date of the application up till the duration of enjoyment of subsidy under this Scheme:-

(i) did not possess or will not possess immovable property either in whole or in part ownership, either alone or in co-ownership nor by title of absolute ownership or on perpetual emphyteusis and on which a building permit for habitation purposes has been issued or can be issued by the competent authorities.

(ii) did not possess or will not possess in full ownership or in part ownership, either alone or together with others, property suitable for habitation purposes or on perpetual emphyteusis or on temporary emphyteusis of more than forty (40) years duration from date of original constitution of the emphyteutical grant of the said temporary emphyteusis.

(iii) do not possess and will not possess holdings or shares in any commercial partnerships which a year prior date of application, held immovable property as mentioned in the two preceding subparagraphs.

However an applicant will not be disqualified under this clause for the simple reason that he possesses a residence as indicated above, if in the discretion of the Housing Authority the occupied premises are not adequate for accommodation for the applicant/s and his family.

This clause shall remain applicable at the absolute discretion of the Housing Authority to have the right to accept applications that fall under this clause as long as it considers applications to be genuine.

(c) the aggregate annual income of the applicant/s exceeding the amount as laid down in Clause 12 and/or

(d) possesses capital assets exceeding €23,300 during the last year preceding the date of application till the approval of the grant of subsidy under this Scheme. These assets do not include furniture and cars. These assets might include immovables or shares in immovables in which case their valuation will be at the absolute discretion of the Housing Authority.

Applicants who are in receipt of annual income from:-

- Social Assistance (SA)
- Social Assistance Single Parents (SUP)
- Unemployment Assistance (UA)
- Age Pension (AP)
- National Minimum Invalidity Pension (NMIP)

may be exempted from the means test.

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.

(e) the unit on which an application is being submitted is not being used as the ordinary residence of the applicant and his family.

7. Legally Separated Spouses

An applicant who is legally separated from 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 a permission from the Expatriate Division of the Office of the Prime Minister that they could remain and work in Malta; and

(3) have permission so that children may remain in Malta until their twenty first (21st) Birthday and who are citizens of Malta by virtue of Section 25 (2) of the Constitution of Malta; and

(4) their passports are endorsed by the Principal Immigration Officer; and

(5) are in receipt of children allowance; and

(6) are ordinary residents in Malta for at least two (2) years immediately preceding the date application; and

(7) qualify under the other conditions of the Scheme.

8. Method of Application

(i) A person who qualifies for rent subsidisation under this Scheme shall submit an application in the prescribed form and shall deliver same personally to 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 and the applicant shall allow the Authority to inspect his ordinary residence and any other tenement held by him as the Authority may require. 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 sum total of any subsidy 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 subsidy under this Scheme.

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

11. Administrative Charge and Abandoned Applications

(i) Each application for assistance under this Scheme shall be lodged personally by any of the applicants with the Authority and that application shall not be accepted unless accompanied by the sum of ten Euros (€10) as an administrative charge. Additionally the applicant shall pay a charge to cover expenses on researches to be carried out by the Housing Authority on the applicant on his/her behalf.

(ii) Where any applicant under this Scheme fails to appear on the agreement regulating the enjoyment of the subsidy when asked to do so by the Authority, his application shall be deemed to have been abandoned and any expenses incurred by the applicants in connection with their application shall not be recoverable by the applicants whether or not their application is successful.

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) earned by the applicants during the basic preceding calendar year. When the application is made by two or more applicants, the gross income of both applicants is taken into consideration.

(ii) the applicant's income and those of his wife during the basic calendar year from capital assets such as; bank deposits, stocks, shares, loans, rents, investments in commercial enterprises, other investments in property, including capital gains;

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

(iv) 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.

(v) the National Insurance Contributions, Income Tax, any Disability Assistance and any Social Benefits which the Housing Authority may at its absolute discretion exclude from time to time, will be deducted from the gross income.

The Chairman of the Authority may refuse to accept any declaration of income of the applicants if, in the Authority's absolute discretion decides that this is 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.

13. Rent Subsidisation

(i) The subsidy shall be based on the annual income according to the following schedules:-

Table "A" – Maximum annual rent payable €203.14:-

Gross Annual Income for a basic Calendar Year €	Maximum Annual Subsidy €	Minimum Annual Rent Payable by Tenant €
Single person household		
€	€	€
0,000 – 6,520	80	105
Households with 2 member (adults)		
€	€	€
0,000 – 8,015	100	85
Households with 3 members and more (families with children)		
€	€	€
0,000 – 9,520	120	65

Table "B" – Annual rent payable exceeding €203.15:-

Category	Gross Annual Income for a basic Calendar Year €	Maximum Annual Subsidy €	Minimum Annual Rent Payable by Tenant €
Single person household			
	€	€	€
A	0,000 – 8,600	1,600	203.14
B	8,601 – 9,600	1,300	300
C	9,601 – 13,600	1,100	350
Households with 2 member (adults)			
	€	€	€
A	0,000 – 16,000	1,900	203.14
B	16,001 – 20,000	1,700	250
C	20,001 – 21,000	1,500	300
Households with 3 members and more (families with children)			
	€	€	€
A	0,000 – 19,000	2000	203.14
B	19,001 – 20,000	1,800	250
C	20,001 – 21,000	1,600	300
D	21,001 – 22,000	1,400	350
E	22,001 – 23,000	1,200	400

The annual income for the basic year above indicated in tables above shall be reviewed every year by the amount of increase on a yearly basis other National Minimum Wage.

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 subsidy shall be given directly to successful applicants by means of direct credit.

(iii) (a) the basis 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. Every two years the Authority will carry out a full means test on applicants which includes the checking of both income and assets.

(b) in each year where a revision of income/assets takes place, the applicant has to satisfy all conditions of the scheme and will not be eligible for any rent subsidy if the applicant does not satisfy conditions at Clause 6 of this scheme (even though he would have been eligible for subsidy on date of application).

(iv) the subsidy 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 following date of application.

(v) the subsidy is granted on the rent payable by the applicant only as established at the beginning of the lease.

(vi) the subsidy is paid to applicants at least three months in arrears by means of Direct Credit or depending on how often the payments are effected by applicants and then only after submission to the Housing Authority of the receipt of payment of whole rent to the lessor. However the Authority, at its own discretion, has the right to pay the subsidy even before such time.

14. Qualification for Rent Subsidisation

The applicant shall continue to qualify for the subsidy 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 b refunded.

15. Loss of Subsidy

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) has in his possession a second residence whether through acquisition, inheritance or any other title;

(f) fails to submit a valid lease agreement together with rent receipts.

he shall automatically:

(i) forfeit the right for subsidy 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 subsidy benefited, as the Authority may determine in its absolute discretion.

Only rent receipts are necessary in case of rents entered into prior to 1995.

16. Vacation of Premises on Which a Subsidy has been Granted

If the applicant decides to vacate the premises on which a subsidy has been granted, he should notify the Authority in advance and the subsidy shall be stopped immediately the applicant ceases to reside in the house, and any subsidy paid 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 further periods of one year each 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.

3rd January, 2017