



Australian Government

# Home Guarantee Scheme

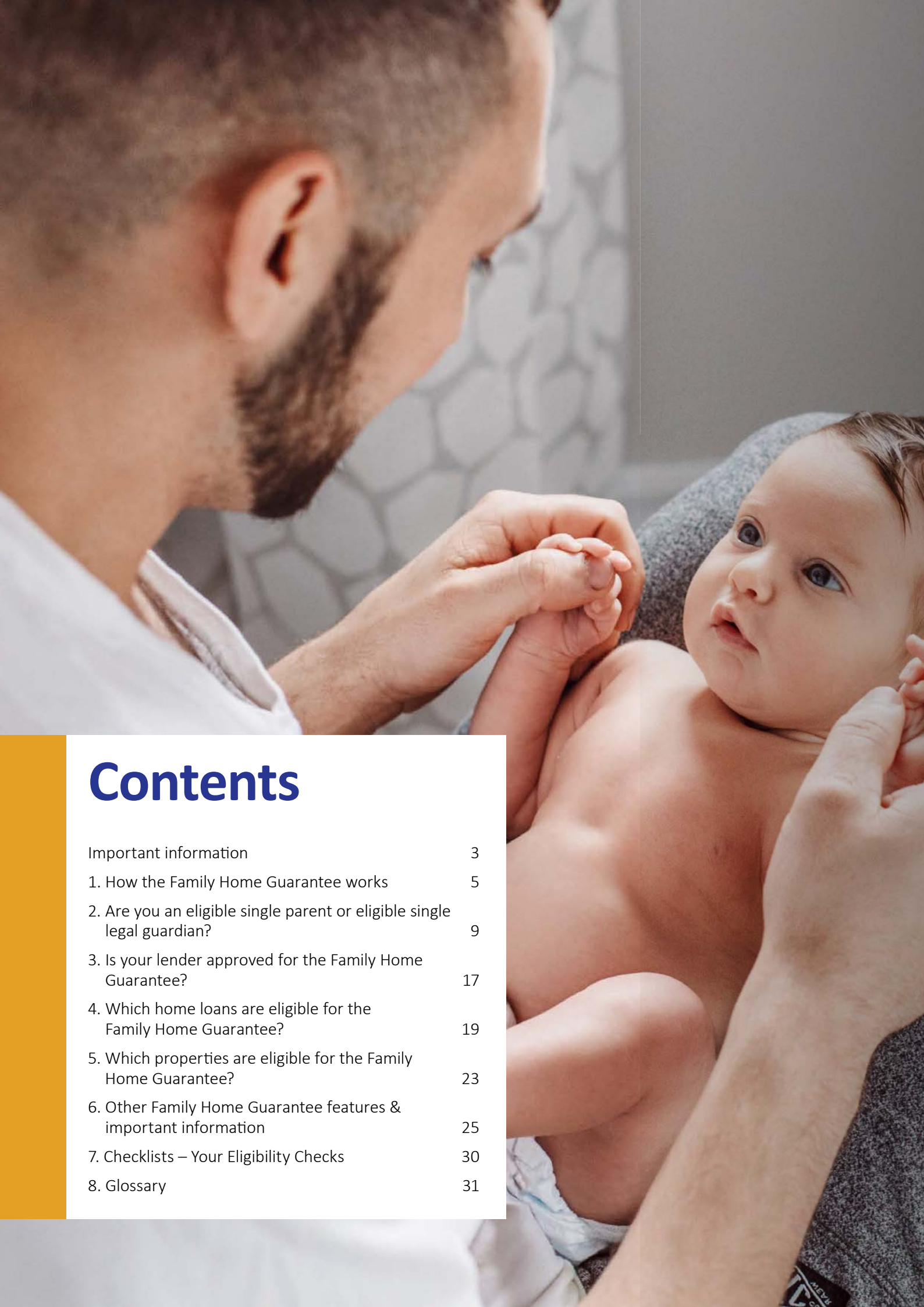
## Family Home Guarantee



Information Guide  
Dated 1 July 2023\*



Housing Australia



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# Important information

## About this document

This document is dated 1 July 2023 and relates to the Australian Government's Home Guarantee Scheme (HGS) and Family Home Guarantee (FHG).

It has been prepared by Housing Australia for Participating Lenders so that they can provide general information and guidance on the FHG to eligible single parents and eligible single legal guardians.

Some terms used in this document have defined meanings. These terms are capitalised and are defined in the 'Glossary' section on page 31.

## Distribution of this document

This document may only be distributed within Australia and in relation to Eligible Loans that are offered by Participating Lenders.

If you are receiving this document, it will have been provided to you by a Participating Lender (or by one of their Representatives).

## Providing your personal information to Housing Australia

You will be asked to provide personal information to Housing Australia (directly or via a Participating Lender or its Representatives) if you take steps to participate in the Scheme or submit a Home Buyer Declaration. Please read the privacy statement at section 6.4 'Other FHG features & important information – Privacy statement'. By requesting a Participating Lender to take any steps to have your home loan covered by the FHG or by submitting a Home Buyer Declaration to your lender you consent to the matters outlined in that privacy statement.

## Providing incorrect or incomplete information

As part of its role in administering and operating the FHG, Housing Australia may verify the information provided by you (or

on your behalf) in submissions for the FHG and in any Home Buyer Declaration. This is to ensure that you are eligible to participate in the FHG. You may be checked for former or current home ownership within Australia and checks for other matters in respect of the eligibility criteria – such as your relationship status (if applicable), council records, property title information and your financial particulars – may also be undertaken.

Not providing the information requested or providing incorrect or incomplete information may impact upon the assessment of your eligibility and ability to participate in the FHG.

If it is found that you have provided false, incorrect or misleading information under a Home Buyer Declaration and/or generally in connection with the FHG, criminal and civil penalties may apply. Also, if a guarantee of your home loan is found to have been issued erroneously under the FHG due to your fraudulent or wilful conduct, that guarantee may be revoked and the lender may also consider it as a failure by you to comply with the terms of your home loan. If you fail to comply with the terms and conditions of your home loan, the lender will have rights against you – these rights may include requiring you to repay some or all of the home loan, requiring you to refinance your loan and pay for lenders mortgage insurance, an ability to change or enforce the home loan and/or to take other legal action against you.

## General information and guidance only

This document includes general information and guidance in relation to some of the features of the HGS and FHG only. It should not be relied upon as being complete or for any purpose.

Housing Australia is only providing this document to Participating Lenders. **To the fullest extent provided by law, this**

## document does not create any legal relationship between you or any other person and Housing Australia.

The information in this document is not financial or other advice. It has been prepared without considering any person's objectives, financial situation or particular needs. This document does not relate to any products or services provided by any Participating Lender. The appointment of any person as a Participating Lender is expressly not a recommendation or statement of approval of any such person.

It is important that you read this document and all of the materials provided to you by your Participating Lender in full, and take your own professional advice as appropriate, before deciding to take any steps to have your home loan covered by the FHG or submitting a Home Buyer Declaration.

## No independent verification

No Participating Lender or Representative has independently verified any information contained in this document and each such person disclaims any responsibility for that information. No representation, warranty or undertaking (express or implied) is made, and no responsibility or liability is accepted, by any of them, in relation to the accuracy or completeness of the information in this document.

## Enquiries & further information

If you have any questions about the Scheme, you should ask your Participating Lender and/or seek advice from a professional adviser.

Further information on the HGS and FHG is also available at [www.housingaustralia.gov.au](http://www.housingaustralia.gov.au).





# 1. How the Family Home Guarantee works

The Family Home Guarantee (FHG) is an Australian Government initiative to support eligible single parents and eligible single legal guardians of at least one dependent to buy a home sooner. Under the FHG, part of an eligible home buyer's home loan from a Participating Lender is guaranteed by Housing Australia. This enables single parents or single legal guardians to buy a home sooner with as little as a 2% deposit.

## 1.1 Is your home loan eligible for the Family Home Guarantee?

For your home loan to be eligible for the FHG there are a few checks that need to be satisfied.

They relate to:

- **your personal circumstances** – referred to as Your Eligibility Checks, which include checks for your income, property ownership, citizenship or residency, age, relationship status, confirmation of one dependent child, deposit and intention to live in the property you buy – see section 2 *'Are you an eligible single parent or eligible single legal guardian?'* and the checklists in section 7 *'Checklists – Your Eligibility Checks'*
- **the lender for your home loan** – which must be a Participating Lender – see section 3 *'Is your lender approved for the Family Home Guarantee?'*
- **the type of home loan you are applying for** – which must be an Eligible Loan – see section 4 *'Which home loans are eligible for the Family Home Guarantee?'*, and
- **the property you intend to buy** – which must be an Eligible Property – see section 5 *'Which properties are eligible for the Family Home Guarantee?'*

If any one of these checks is not satisfied, you will not be able to participate in the FHG. Your lender will need to be satisfied that these checks are met and will have separate criteria, processes and requirements for any consideration of your home loan application with them.

The FHG is open across Australia to all eligible single parents and eligible single legal guardians in respect of Eligible Loans. The number of places under the FHG is limited and a place may not be available even if your home loan is eligible. See section 1.2 *'Other key features of the Family Home Guarantee - place limits'* below for further details.

**You should discuss with your Participating Lender whether this FHG is the most appropriate program offered by the Australian Government for you.**

## 1.2 Other key features of the Family Home Guarantee

The FHG involves the following key features.

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### When the FHG commenced

The FHG commenced on 1 July 2021.

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### Participation in the FHG

You cannot apply to Housing Australia directly to have your home loan participate in the FHG. You can only do so as part of your home loan application with a Participating Lender.

The eligibility of your home loan to participate in the FHG will be considered by your lender and, if eligible, the lender will notify you that your home loan is able to participate in the FHG. They may also take steps to make a FHG Place Reservation – as described in section 6.1 *'Other Family Home Guarantee features & important information – Family Home Guarantee Place Reservations'*.

Information on how your home loan can be covered by the FHG can be obtained through a Participating Lender and their Representatives.

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### Place limits

5,000 Family Home Guarantees will be made available each financial year (up until 30 June 2025).

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### Issue of guarantees under the FHG

If your home loan is covered by the FHG, Housing Australia will issue a guarantee to the Participating Lender who made that loan to you.

**The guarantee is not a cash payment or a deposit for your home loan.**

Rather, the guarantee is a legal arrangement between Housing Australia and your lender to pay up to a certain amount that you owe to your lender if you default under the terms of your home loan and your property has been sold (as further described below).

A guarantee issued under the FHG is not made to you, and you are not able to take any action in relation to a guarantee of your home loan under the FHG (if one applies).

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## What a guarantee covers

Any guarantee of your home loan is for up to a maximum amount of 18% of the Value (as assessed by your lender) of the property that you purchase. If you default on your home loan and after your property is sold, the guarantee will be claimed by your Participating Lender. However, it will be for a lesser amount than 18% of that assessed Value if your deposit is more than 2% of that Value.

The guarantee is only able to be claimed by the Participating Lender for amounts owing by you to them under your home loan after:

- you have defaulted on your home loan
- your property has been sold, and
- the sale proceeds (and any other amounts available to the lender) have been applied to pay the amounts you owe to your lender under the terms of your home loan.

Specifically, any guarantee of your home loan under the FHG will **not apply** to:

- help you make any payments on your home loan that you miss during the ordinary course of your home loan
- prevent you from defaulting on your home loan
- stop the lender from taking action against you for any default under your home loan or mortgage (including where they have rights to take possession and sell the property),
- or cover the payment of any amounts which remain to be owed by you to the lender after (1) sale proceeds and other amounts are applied to pay what you owe on your home loan and after amounts under the guarantee have been claimed and paid to the Participating Lender, or (2) if they do not make a claim under the guarantee.

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## Circumstances where your home loan may cease participating in the FHG

If your home loan is covered by the FHG there are certain events which may cause a FHG guarantee to stop applying to your home loan. These include where:

- it is found at any time that your home loan was not eligible to participate in the FHG – including where it is discovered at a later time that Your Eligibility Checks were not satisfied
- you no longer live in the property unless you are an ADF member and are unable to do so because of your duties. In this instance, your lender may require you to pay Lenders Mortgage Insurance (LMI) or significant other additional costs relating to your loan, at your own obligation.
- you have repaid your home loan in full – including where you refinance your home loan with another lender that is not a Participating Lender – see section 6.3 *'Other Family Home Guarantee features & important information – Refinancing your FHG-guaranteed home loan'* for further details, or
- you have repaid your loan down to a principal balance that is 80% or less of the original Value of your property at the time of purchase – calculated based on your scheduled home loan repayments. Any amount that you prepay and can freely redraw are not counted.

There are also additional events that rely upon your agreements with, and the actions of, your Participating Lender. These include where:

- the terms of your home loan (or mortgage) are changed by your lender except for changes to the interest rate, changes made to the terms that your lender offers to all of its owner-occupied home loans, changes for where you are in financial hardship, changes between your lender's standard home loan products and other limited circumstances
- further finance is provided to you by your lender and secured against the same property (known as a 'top up')
- your loan is assigned or transferred by your lender, or
- if your lender notifies Housing Australia that the guarantee may be released.

If your home loan is no longer covered by the FHG at an earlier time than your lender expected, you may be subject to additional fees, charges and expenses as set out in the terms of your home loan.

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## Other government programs

If your home loan is covered by the FHG, you are not restricted under the terms of the FHG from also accessing other government programs – such as the Australian Government's First Home Super Saver Scheme or First Home Owner Grant and concessions that may be offered by State and Territory governments.

These other programs apply their own criteria and conditions, and your eligibility or participation under the FHG does not mean that you will definitely be eligible and able to participate under another program. You should make your own enquiries on the terms of those other programs.

**You should discuss with your Participating Lender whether the FHG is the most appropriate guarantee for you.**

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## 1.3 Getting ready – what will I need to provide to my lender?

Your Participating Lender or their Representative will let you know what information and materials you will need to provide for your home loan application and any participation of your home loan under the FHG.

However, the following information will need to be submitted by your lender in connection with the initial FHG Place Reservation process. It is recommended that you collect and have this information available when you first contact your lender (directly or through their Representative):

- ✓ your full name and date of birth
- ✓ your Medicare number (including your position on your card)
- ✓ your Notice of Assessment for your taxable income for the 2022-23 income year – see section 2.1.2 '*Are you an eligible single parent or eligible single legal guardian? – What was your taxable income for the preceding income year? (Income test)*', and
- ✓ other details to assist the lender to assess whether you will be eligible to participate in the FHG – your lender will confirm what these are.

If you do not have a Medicare number, or have not been issued with a Notice of Assessment for your taxable income (because you did not earn taxable income above the tax-free threshold), your lender will confirm what other information will be required to be provided by you in your circumstances.





## 2. Are you an eligible single parent or eligible single legal guardian?

### 2.1 Your Eligibility Checks

First, you should consider whether your personal circumstances satisfy all of the following checks. They relate to your eligibility as an eligible single parent or eligible single legal guardian who can participate in the Family Home Guarantee (FHG).

The key checks for your personal circumstances are:

- ✓ an eligible single parent or eligible single legal guardian test – see section 2.1.1
- ✓ an income test – see section 2.1.2
- ✓ a property ownership test – see section 2.1.3
- ✓ a citizenship and permanent residency test – see section 2.1.4
- ✓ a minimum age test – see section 2.1.5
- ✓ a deposit requirement – see section 2.1.6, and
- ✓ an owner-occupier requirement – see section 2.1.7.

If you do not satisfy any one of these checks – which are described in further detail below and are together referred to as **Your Eligibility Checks** – you should not ask your lender to take any steps to have your home loan participate in the FHG. This includes that you should not ask your lender to make a FHG Place Reservation. If you are unsure of any of these matters, you should ask your lender or seek your own independent financial and legal advice.

Section 7 '*Checklists – Your Eligibility Checks*' includes checklists that are provided to help you to record your answers as you consider the questions for each of Your Eligibility Checks.

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## 2.1.1 Are you a single parent or eligible single legal guardian?

You will only be eligible to participate if you:

1. are single. A person is considered to be single if they don't have a spouse and/or the person does not have a de facto partner.
2. have at least one dependent. To have a dependent you must be the natural parent, adoptive parent or legal guardian of the person and either:
  - a. the person must be a "dependent child" within the meaning of subsections (2), (3), (4), (5), (6) and (7) of section 5 of the Social Security Act 1991; or
  - b. the person must be:
    1. at least 16; and
    2. is in receipt of a disability support pension within the meaning of the Social Security Act 1991; and
    3. lives with the applicant.

### Relationship Status

#### When do you have a spouse?

You have a spouse if you are legally married to another person.

#### When do you have a de facto partner?

You have a de facto partner if you are living with another person on a genuine domestic basis, as a couple. Note: If you are separated from your spouse but still married (i.e. not divorced) you are not eligible for the FHG.

### Dependent Child

#### When is a child a dependent child?

A child is a dependent child if one of the following applies:

1. A young person *who has not turned 16* is a dependent child of another person (the adult applicant) if:
  - a. the adult is legally responsible (whether alone or jointly with another person) for the day-to-day care, welfare and development of the young person and the young person is in the adult's care; or
  - b. the young person is not a dependent child of someone else and is wholly or substantially in the adult's care.
2. A young person is a dependent child of the adult applicant at a particular time if at that time:
  - a. the young person *has reached 16, but is under 22, years of age* and is wholly or substantially dependent on the other person; and
  - b. the young person's income in the financial year in which that time occurs will not be more than \$6,403.

#### When is a child not a dependent child?

1. A young person *who has not turned 16* **cannot be a dependent child** if:
  - a. the young person is not in full-time education; and
  - b. the young person is in receipt of income; and
  - c. the rate of that income exceeds \$107.70 per week (which amount is indexed annually by CPI).
2. A young person *who has turned 16* **cannot be a dependent child** of another person if the other person is the young person's partner.
3. A young person **cannot be a dependent child** if:
  - a. the young person is receiving a **social security pension**; or
  - b. the young person is receiving a **social security benefit**; or the young person is receiving payments under a program included in the programs known as **Labour Market Programs**.

A young person cannot be treated as a dependent of an adult unless the adult is an Australian citizen or permanent resident and the young person is living with the adult or resides in Australia.

## 2.1.2 What was your taxable income for the preceding income year? (*Income test*)

The FHG includes an income test.

To satisfy this test your taxable income for the previous income year must not be more than \$125,000.

For all FHG place applications made from 1 July 2023 up to 30 June 2024, the relevant income year will be the 2022-23 income year.

The income test is assessed by your lender:

- at your Home Loan Date, and
- using your taxable income (as per the *Income Tax Assessment Act*) from the previous income year, as shown on your Notice of Assessment (issued to you by the Australian Taxation Office).

Each income year starts on 1 July in a calendar year and ends on 30 June in the next calendar year – so if you enter into a home loan agreement with your lender from 1 July 2023 to 30 June 2024, you would need to be able to provide your income tax assessment notice for the 2022-23 financial year.



### Questions to ask yourself

#### **Q1. Do you have your Notice of Assessment for the 2022-23 income year (as issued by the Australian Taxation Office)?**

##### **No, I don't have it (or I can't find it)**

If your answer to the above question is 'no', you may not be able to satisfy the income test.

You would need to take steps to file for or obtain a copy of your Notice of Assessment for the 2022-23 income year. Doing so does not necessarily qualify you as being able to participate in the FHG, and any action you decide to take is your own responsibility.

If you did not receive a Notice of Assessment because your taxable income is below the tax-free threshold in the relevant income year, you will need to confirm with your lender what information you would need to provide.

##### **Yes, I do**

If your answer is 'yes' to the above question, you will need to be able to show a copy of your Notice of Assessment to your lender.

#### **Q2. Do you satisfy the income test?**

##### **No, I don't satisfy the income test**

If your answer to the above question is 'no', your home loan will not be eligible under the FHG.

##### **Yes, I satisfy the income test**

If your answer is 'yes' to the above question, your home loan may be eligible for the FHG.



Before you enter into a home loan agreement, you should consider talking with your lender (or broker) about the potential implications of changing interest rates or house prices on your individual circumstances.

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## 2.1.3 Do you hold an interest in property in Australia? (Property ownership test)

The property ownership test for you being an eligible single parent or eligible single legal guardian for the FHG is that, at the time of Home Loan Date you do **not currently hold, or at settlement of the property you are purchasing you do not intend to separately hold:**

- a freehold interest in real property in Australia (this includes owning land only),
- an interest in a lease of land in Australia with a term of 50 years (or more), or
- a company title interest in land in Australia.

These tests apply for property interests in all States and Territories of Australia, regardless of whether the property was residential or commercial property, for investment or owner-occupied purposes and whether or not it was ever lived in.

For your home loan to participate in the FHG, you will need to make a statutory declaration that confirms you do not currently hold, or at settlement of the property you are purchasing, you do not intend to separately hold any interests of this kind. This declaration is made under the Home Buyer Declaration.

If you are unsure of whether or not you have held any of the kinds of interests listed above you should ask a professional adviser, as you will need to be sure that you are not giving a false declaration.



### Questions to ask yourself

#### Q3. Will you satisfy the property ownership test at your Home Loan Date?

You should check this against each of the three types of property interest holdings that could restrict you from being eligible.

**No, because I will hold a separate interest in property after the settlement date of the home I am buying.**

If your answer to the above question is ‘no’, you will not be able to satisfy the property ownership test.

**Yes, I do, because I will not hold a separate interest in property after the settlement date of the home I’m buying.**

If your answer to the above question is ‘yes’, you will be able to make the necessary declarations and satisfy the property ownership test.

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## 2.1.4 Are you an Australian citizen or permanent resident? *(Citizenship and permanent residency test)*

The FHG is open to Australian citizens and permanent residents.

The citizenship and permanent residency test for the FHG is that you will need to be an Australian citizen or permanent resident at your Home Loan Date.

You **will not satisfy** the citizenship and permanent residency test if at the Home Loan Date:

- you are a temporary resident of Australia or a New Zealand citizen (and not an Australian citizen or permanent resident)
- you were formerly an Australian citizen or permanent resident, but have not resumed your citizenship or permanent residency, or
- you have applied for, are eligible for, or have received notice of a positive decision of Australian citizenship or permanent residency, but have not received your citizenship certificate or eligible Australian permanent resident visa.



### Questions to ask yourself

#### **Q4. Will you be an Australian citizen or permanent resident at your Home Loan Date?**

##### **No, I will not be**

If your answer to the above question is '**no**', you will not be able to satisfy the citizenship and permanent residency test.

Your home loan will not be eligible to participate under the FHG.

##### **Yes, I will be**

If your answer to the above question is '**yes**', you will be able to make the necessary declarations and satisfy the citizenship and permanent residency test.

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## 2.1.5 Are you 18 years or older? *(Minimum age test)*

The FHG is only open to persons that are 18 years of age or over.

The minimum age test for the FHG is that you will need to be 18 years of age or over at your Home Loan Date.



### Questions to ask yourself

#### **Q5. Will you be 18 years or over at your Home Loan Date?**

##### **No, I will not be**

If your answer to the above question is '**no**', you will not be able to satisfy the minimum age test.

Your home loan will not be eligible to participate under the FHG.

##### **Yes, I will be**

If your answer to the above question is '**yes**', you will be able to make the necessary declarations and satisfy the minimum age test.

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## 2.1.6 Do you have a deposit of at least 2% of the Value of the property (but less than 20%)? (*Deposit requirement*)

There is a minimum and maximum deposit requirement for the FHG. Your Participating Lender will be able to tell you if you satisfy this requirement.

The FHG is to assist eligible single parents and eligible single legal guardians of at least one dependent who have at least 2% of the Value of an eligible property saved as a deposit. It is a requirement of the FHG that you use the full amount of your savings towards your deposit (subject to the policies of your lender and your financial circumstances). If you have 20% or more saved, then your home loan will not be covered by the FHG.

As the FHG is aimed at helping eligible single parents and eligible single legal guardians who struggle to save a deposit, it is important that you do not try and disadvantage other Australians by seeking to change your circumstances just to take advantage of the FHG. This includes where you have a 20% or greater deposit and legally transfer your cash and other assets in order only to access the FHG or where your 2% deposit has not been genuinely saved by you and is being provided to you only so that you can qualify for the FHG. You should refer to your Participating Lender on their verification requirements for a deposit. Participating Lenders must comply with responsible lending practices – if you have any questions about these requirements in the context of the FHG, please discuss these with your Participating Lender directly.

You should confirm with your Participating Lender whether any cash grants under other Australian Government, State or Territory schemes or programs you may receive can be considered as part of genuine savings by that Participating Lender.



### Questions to ask yourself

**Q6. Do you have a deposit of between 2% and 20% of the Value of the property you would like to buy?**

**No, I won't – I'll have less than the 2% minimum or more than the 20% maximum**

If your answer to the above question is 'no', you will not be able to satisfy the deposit requirement. Your home loan will not be eligible to participate under the FHG.

**Yes, I do or will**

If your answer to the above question is 'yes', you will be able to make the necessary declarations and satisfy the deposit requirement.

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## 2.1.7 Will you live in the property you buy as an owner-occupier? (*Owner-occupier requirement*)

The FHG will assist eligible single parents and eligible single legal guardians of at least one dependent to buy a home. Investment properties are not being supported by the FHG.

Under your Home Buyer Declaration, you will need to represent that you intend to:

- start living in the Eligible Property you purchase within 6 months from either the settlement of your loan or, for new builds, the date an occupancy certificate is issued, and
- continue to live in that property for as long as your home loan has a guarantee under the FHG unless you are an ADF member and the ADF owner-occupier exemption applies (see below).

An exemption from the owner-occupier requirement applies where you are an ADF member and are unable to satisfy this requirement because of a posting required in the course of your duties as an ADF member provided, at the date of your loan agreement, you intended to live in the property (**ADF owner-occupier exemption**).

If you don't live in your property – including where you move out of the property at a later time – your home loan may cease to be guaranteed by the FHG.



In these circumstances there may be terms of your home loan that require you to take certain actions – including that you may need to pay fees and charges and/or take out lenders mortgage insurance that would not have otherwise applied if your home loan was eligible under the FHG.



### Questions to ask yourself

#### **Q7. Do you intend to reside in the property you buy as an owner-occupier while your home loan is guaranteed under the FHG? No I don't (or I don't think I will)**

If your answer to the above question is '**no**', you will not be able to satisfy the owner-occupier requirement unless the ADF owner-occupier exemption applies to you.

Your home loan will not be eligible to participate under the FHG unless the ADF owner-occupier exemption applies to you.

#### **Yes, I do intend to live in the property as an owner-occupier**

If your answer to the above question is '**yes**', you will be able to make the Home Buyer Declaration and satisfy the owner-occupier requirement.

## 2.1.8 Are there any matters that could disqualify you from being an eligible single parent or eligible single legal guardian?

This is a final check to make sure that you don't provide any incorrect, untrue or misleading information nor make any false declarations in relation to your personal circumstances. It is not an additional criteria, and is included only to make sure you have considered all possible matters and are aware of the possible consequences for providing untrue, incorrect, misleading or false information or materials.

You should consider all of the above checks carefully. If you are unsure of any matter relating to your circumstances, you should speak to your lender and/or ask your professional adviser(s).

If your Participating Lender takes any action for your home loan to be covered by the FHG – including making FHG Place Reservations or seeking to have a guarantee apply for your home loan – you will need to provide information to them and make declarations.

This information and declarations you make may be investigated at future times. You need to be certain that you are giving true and correct information and declarations.



If your information and/or declarations are found to be untrue, incorrect, misleading or false – including at a later time after you have paid a deposit or the full purchase price on your property – there may be significant consequences.

These may include that:

- legal action is taken against you – including for criminal penalties and civil action. If you intentionally make a false statement in a statutory declaration, you are guilty of an offence under section 11 of the Statutory Declarations Act 1959 (Cth). The maximum penalty for this offence is imprisonment for 4 years
- your home loan is not covered by the FHG, and/or
- there are terms of your home loan that require you to take certain actions – including you may need to pay fees and charges and/or take out lenders mortgage insurance that would not have otherwise applied if your home loan was covered by the FHG.

You should understand the terms of your home loan carefully so that you know what would happen under your home loan if this were to happen.



### Questions to ask yourself

**Q8. Are you sure there are no matters in your personal circumstances that could mean you aren't eligible for the FHG?**

#### **No, I'm not sure**

If your answer to the above question is '**no**', you could risk significant consequences if you give incorrect, untrue or misleading information or make a false statutory declaration.

You should speak to your lender and/or ask your independent financial and/or legal adviser(s).

#### **Yes, I am sure**

If your answer to the above question is '**yes**', you will be able to make the Home Buyer Declaration and satisfy the eligible single parent or eligible single legal guardian test.

**You should note that all information and declarations provided by you are able to be investigated at any time.**





# 3. Is your lender approved for the Family Home Guarantee?

## 3.1 Participating Lenders

The FHG is only open to Eligible Loans that are made by Participating Lenders. For a lender to be a Participating Lender under the FHG, they must have been approved by Housing Australia.

A listing of these lenders is on [www.housingaustralia.gov.au](http://www.housingaustralia.gov.au). Even if you are told that a particular institution is a Participating Lender, you should check that they are listed on [www.housingaustralia.gov.au](http://www.housingaustralia.gov.au).

Participating Lenders may offer Eligible Loans themselves or via Representatives. If you are unsure whether any institution or person is a Representative of a Participating Lender, you should contact the lender directly to ask.

## 3.2 Your home loan application and your relationship with your lender

You are able to apply for finance for your home loan from more than one Participating Lender. The terms of your home loan will be agreed between you and your lender.

Housing Australia will not be involved in any home loan application procedures, assessments or approvals nor the administration or management of your home loan (including in circumstances of default and enforcement).

These are matters for you and your lender.

See section 4 ‘Which home loans are eligible for the Family Home Guarantee?’ for further details on which home loans qualify as Eligible Loans.

## 3.3 What if I have a complaint about my lender?

General complaints about your lender should be made to your lender and/or any relevant complaints authority.

If you are not sure who the relevant Complaints Authority is, contact the Australian Financial Complaints Authority at [www.afca.org.au](http://www.afca.org.au).





## 4. Which home loans are eligible for the Family Home Guarantee?

### 4.1 Eligible Loans

Not all home loans are eligible for the FHG.

The FHG is restricted to '*Eligible Loans*', which are home loans:

- made by Participating Lenders to individuals who are eligible single parents or eligible single legal guardians, and
- that are for the purchase of an Eligible Property that is to be occupied by you as the owner – see section 5 '*Which properties are eligible for the Family Home Guarantee?*' for further information.

There are additional requirements that apply in relation to these home loans that rely upon the terms that you agree with your Participating Lender. These include that your home loan will need to be for a term of 30 years or less, have regular repayments of principal (with limited exceptions for interest-only loans, which mainly relate to construction lending), include a mortgage over your purchased property, be in Australian dollars, have appropriate lending limits to recognise the FHG's deposit requirements, settle after your lender commences as a Participating Lender under the FHG and comply with relevant laws and your lender's own policies. Your Participating Lender will need to ensure that the terms of your home loan arrangement comply with these matters.

### 4.2 Home loan products

The FHG permits certain categories of home loan products to be offered to take the benefit of the FHG. These general categories relate to home loans for:

- the purchase of an established dwelling
- a house and land package
- a land and separate contract to build a home, and
- an 'off-the-plan' purchase.

If you are intending to buy vacant land and construct a dwelling on that land, you will need to enter into a building contract to build a home on the land within six months of the loan settlement date relating to the eligible loan for the land.

If you already own vacant land and intend to take a new home loan to construct a dwelling on that land, your home loan is not eligible for the FHG. This is because you do not satisfy the property ownership test.

You will need to contact your lender to clarify whether your home loan is eligible under the FHG.

The conditions under the FHG for home loan product categories that may be Eligible Loans are as follows.

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## Contract & settlement dates

To be eligible for the FHG, the contract of sale and (if applicable) eligible building contract may have particular dates when they can be signed by you (all as described further below). There are no exceptions from these required dates.

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## Purchase of existing dwelling

If you are purchasing an existing dwelling:

- you must move into the property within 6 months of the settlement of your home loan, and
- the property must be purchased under a contract of sale that you sign on or after 1 July 2021.

This category does not include 'off-the-plan' purchases, which are described below.

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## House and land packages

A house and land package is where you build a home by entering into a contract of sale to purchase land from the same person (or persons within the same corporate group) as the person who you enter into a contract with to build your home.

For a house and land package, prior to the settlement date for your home loan you will need to have entered into:

- a contract of sale for the land; and
- an eligible building contract to build your home on that land.

These can either be in the same contract or two separate contracts. Your home loan will also include a requirement for you to:

- start building your home within 12 months; and
- finish building your home within 24 months of the settlement date for your home loan.

You will also need to move into the property within 6 months of an occupancy certificate being issued.

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## Land and separate contract to build a home

A land and separate contract to build a home is where you build a home by entering into a contract of sale to acquire land from a person who is different to the person you enter into a contract with to build your home.

For a land and separate contract to build a home, you will need to have entered into a contract of sale to acquire the land under a contract of sale or, (in the Australian Capital Territory) a lease instrument. You will also need to move into the property within 6 months of an occupancy certificate being issued.

You may obtain a home loan to buy the land and finance the building of your home. If you do so, then your Participating Lender will require you to enter into an eligible building contract before the settlement of your home loan and:

- start building your home within 12 months, and
- finish building your home within 24 months of the settlement date for your home loan.

You may be able to obtain a home loan to buy the land before obtaining a loan to finance the building of your home. If you do so, then your Participating Lender will require you to:

- enter into an eligible building contract within 6 months,
- start building your home within 12 months, and
- finish building your home within 24 months, of the settlement date of your home loan to buy the land.

If you choose to buy the land before obtaining a loan to finance the building of your home, you will need to ensure that at the time your loan agreement is entered into to finance the building of your home, the purchase price for your land and the cost to build your home does not exceed the price cap that is applicable to your property. If they do exceed the price cap, then your home loan will not be eligible for the FHG and your Participating Lender may require you to obtain lenders mortgage insurance or provide a higher deposit to continue with your home loan.

If you are considering entering into contracts relating to purchasing land and for the construction of a home, you may wish to discuss with your participating lender (and broker, if applicable) all of the potential risks that may associate with these transactions. It is worth noting that you are required to sign a fixed price building contract, and that any amendments to this after signing, may impact the validity of your FHG place and your bank may require you to pay Lenders Mortgage Insurance (LMI) or fund these additional costs yourself.

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## 'Off-the-plan' purchases

If you are making an 'off-the-plan' purchase:

- you must have signed the contract of sale before the settlement date for your home loan, and
- the settlement date for your home loan must occur within 90 days that your home loan becomes guaranteed under the FHG.

You will also need to move into the property within 6 months of the settlement date for your home loan.

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## Eligible building contracts

For a building contract to be eligible under the FHG, it must:

- be with a licensed or registered builder; and
- specify a fixed price for the construction of the dwelling.

'Owner builder' contracts **are not** eligible building contracts for the FHG.

Participating Lenders may, or may not, offer these types of home loan products. Even if they do offer these products, the terms of the home loan may be more limited than described above. You should contact your lender and/or ask your professional adviser(s) about the home loan products that are offered and whether they suit the purchase you are intending to make.

Participating Lenders require your land to be titled prior to the issuance of a Housing Australia guarantee, therefore the land will need to be titled before the end of your 90 day pre-approval period.

# 5. Which properties are eligible for the Family Home Guarantee?

## 5.1 Eligible Properties

Not all properties are eligible for the FHG.

The key eligibility checks for any property that you want to buy are that:

- it is a 'residential property' – under the FHG this term has the same meaning as under the National Consumer Credit Protection Act, and you should ask your lender if there is any doubt
- the purchase price of the property is under the price cap for its location – see section 5.2 'Property price caps'
- the property is (1) an established dwelling, or (2) a new-build dwelling that you buy under a house and land package, a land and separate contract to build a home or an 'off-the-plan' arrangement that is financed under an Eligible Loan – see section 4 'Which home loans are eligible for the Family Home Guarantee' for further details, and
- at the settlement date for your home loan, the borrower will be the sole registered owner of the property.

## 5.2 Property price caps

The price caps are summarised in the tables below. Your lender will be able to confirm which price cap is applicable to your property by its street address and suburb. If the purchase price, or in the case of a new build land and separate contract to build home, the purchase price and construction costs, for your property is more than the price cap for its location (as listed below), the property will **not be eligible** for the FHG.

State	Capital city & regional centres*	Rest of State
New South Wales	\$900,000	\$750,000
Victoria	\$800,000	\$650,000
Queensland	\$700,000	\$550,000
Western Australia	\$600,000	\$450,000
South Australia	\$600,000	\$450,000
Tasmania	\$600,000	\$450,000

Territory	All areas
Australian Capital Territory	\$750,000
Northern Territory	\$600,000
Jervis Bay Territory & Norfolk Island	\$550,000
Christmas Island & Cocos (Keeling) Islands	\$400,000

\*Note that regional centres only include the areas identified as (1) in New South Wales, Illawarra and Newcastle and Lake Macquarie, (2) in Victoria, Geelong, and (3) in Queensland, Gold Coast and Sunshine Coast.

A postcode look-up tool is available at [www.housingaustralia.gov.au](http://www.housingaustralia.gov.au) for general information. You are able to use this tool to get an idea of whether a property is in a particular price cap area. However, you should not rely upon the information provided by the tool and must confirm the price cap for any property you are thinking about purchasing with your lender.





# 6. Other Family Home Guarantee features & important information

## 6.1 Family Home Guarantee Place Reservations

Depending upon your circumstances, your Participating Lender may be able to reserve a place under the FHG, in conjunction with you making your home loan application. Requests for FHG Place Reservations can only be made by Participating Lenders.

A FHG Place Reservation does not guarantee that your home loan will participate in the FHG. There are other checks and timing requirements that apply before your home loan is able to be guaranteed under the FHG.

If your Participating Lender elects to reserve a place under the FHG in conjunction with you making your home loan application, the following steps apply.

## Your initial home loan application

Your Participating Lender will be able to make a FHG Place Reservation for up to **14 days** while your lender assesses your finance application.

This reservation:

- is made by a Participating Lender at the same time as your home loan application is made or is being assessed, and you will need to provide them with some personal information to get this to happen – see section 1.3 ‘Getting ready – what will I need to provide to my lender?’
- is for a set period (usually, 14 days but your lender will advise you if the period is different) from when it is first made by any Participating Lender – you can make home loan applications to more than one Participating Lender in this period, but the 14-day reservation is counted from the day when the first lender makes the reservation – see Scenario 1 below for an illustration of how this works
- will be able to be extended by your lender if finance pre-approval is given for your home loan – see ‘Getting finance pre-approval’ below, and
- will expire if (1) you are not pre-approved for finance from a Participating Lender during this period, or (2) if you are pre-approved for finance and your lender does not let Housing Australia know to extend the reservation by the end of the 14-day period.

### **Scenario 1 – initial reservation**

*Annabel makes a home loan inquiry with Lender A on 1 July 2023, and Lender A makes an initial FHG Place Reservation on that date. The reservation period for Annabel and her home loan is open for 14 days and will expire at 11.59 pm (Sydney time) on 15 July 2023. This will be the expiry time for all FHG Place Reservations that are submitted for Annabel’s home loan applications by Participating Lenders in that reservation period.*

*She also makes another home loan application with Lender B on 5 July 2023 and Lender B makes another initial FHG Place Reservation on that date. The reservation period for Annabel and her home loan is already open and so Lender B has 10 days to take necessary actions before the period expires.*

*For the reservation to be extended (see ‘Getting finance preapproval’ below), Lender A or Lender B will need to provide finance pre-approval to Annabel and take the necessary action to extend the reservation before the expiry time of 11.59 pm (Sydney time) on 15 July 2023.*

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## Getting finance pre-approval

If your lender has given you a finance pre-approval, your FHG Place Reservation can be extended for a further **90 days** (starting on the first date that it is extended by a Participating Lender) – see Scenario 2 below for a further illustration of how this works.

This further reservation period is to allow you to find and sign a contract of sale for an Eligible Property that you want to buy.

If during this 90-day reservation period:

- you are unable to find an Eligible Property that you want to buy, or
- your lender withdraws your finance pre-approval or believes that you are not likely to enter into a home loan for an Eligible Property, the FHG Place Reservation for your home loan will expire.

### **Scenario 2 – pre-approval reservation**

*In considering Annabel's home loan application, Lender A provides her with a finance pre-approval on 14 July 2023 and takes the necessary steps to extend the FHG Place Reservation for her home loan on that date. The FHG Place Reservation is then extended by 90 days from the day that Lender A takes those steps. This extension will apply for both Lender A and Lender B, to now expire at 11.59 pm on 12 October 2023.*

*Lender B does not provide Annabel with pre-approval before the expiry time for the initial reservation but because Lender A has extended your FHG Place Reservation, Lender B will have until 11.59 pm on 12 October 2023 to provide Annabel with finance pre-approval.*

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## Signing your contract for sale

Once you have signed a contract for sale to buy an Eligible Property, your FHG Place Reservation can be extended for an additional **30 days** from the signing date.

This additional period is to enable you and your lender to finalise the paperwork and checks for your home loan. Your lender may ask you to provide information and materials in a shorter period than the 30 days.

To ensure that this extension applies, you will need to tell your lender immediately once you have signed your contract for sale so that your lender can notify Housing Australia.

If you are unable to finalise your loan within this period, the FHG Place Reservation for your home loan will expire.

Before entering into a contract of sale, you should consider discussing your lending needs with your relevant participating lender, broker or finance professional.

You should also consider discussing the impacts of any amendments to this contract after signing, and how they may potentially impact your FHG place.



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## What happens if a reservation expires

If any reservation period expires without being extended, the FHG Place Reservation for your home loan will lapse and your Participating Lender would need to make a new reservation under the FHG.

With the number of places under the FHG being limited, it is likely that there may not be a place under the FHG that is available to be reserved or taken up at that later time.

In all circumstances, the decision to enter into a home loan arrangement with a Participating Lender, and the choice of property to purchase, is your own responsibility. Even though the availability of the FHG for home loans is limited – by number of places and the time periods for the reservation process – you should seek your own independent financial and legal advice as to whether a particular home loan or property, and the terms of the FHG, suit your personal circumstances and objectives.

## 6.2 Home Buyer Declaration

A Home Buyer Declaration is provided to you by a Participating Lender for the purposes of them applying to Housing Australia for your home loan to be covered by the FHG. You must sign and submit your Home Buyer Declaration to your lender in accordance with their instructions.

Housing Australia will not take any action or steps in relation to a Home Buyer Declaration that is delivered to it by any person (including you) or institution that is not a Participating Lender (or a Representative or agent of it).

It is recommended that you provide the completed and signed declaration to your lender as soon as possible. A copy of this declaration will also be provided by your lender to Housing Australia, who will retain the copy as a record.

You should be aware that this form is separate to (1) your application for a home loan from your lender, and (2) any forms that you are required to submit in relation to any other home buyer schemes or programs.

Before completing a Home Buyer Declaration, you should carefully read all sections and information contained in the form and ask your lender and/or your professional adviser(s) if anything is unclear.

You must ensure that all information contained in your Home Buyer Declaration is complete and correct. If you are unsure about any of your obligations or information that is required as part of any application for your home loan to be covered by the FHG, it is important that you contact your lender for clarification.

You must notify your lender if you believe that you cease at any time to meet the eligibility requirements of the FHG or if there is any change to the information provided in the Home Buyer Declaration after you have signed and submitted it.

Penalties may apply for false declarations.

## 6.3 Refinancing your FHG-guaranteed home loan

If you have a home loan that is already participating under the FHG, you may be able to refinance your home loan with another Participating Lender and continue to have the benefit of the FHG.

Any such refinancing is subject to conditions, and you should contact your lender for further details if you are considering refinancing your existing FHG home loan with another Participating Lender.

It is not possible for your home loan to continue to have the benefit of the FHG if it is refinanced with another lender that is not a Participating Lender.



## 6.4 Privacy statement

Your personal information may be used by your lender, Housing Australia and/or the Australian Government for the administration and operation of the FHG and assessing your eligibility under the FHG.

By requesting a Participating Lender to take any steps to have your home loan covered by the FHG or by completing and submitting a Home Buyer Declaration, you consent to your lender, Housing Australia and/or the Australian Government collecting, using and disclosing your personal information for the abovementioned purposes and any other incidental or related purpose.

Your lender, Housing Australia and/or the Australian Government may disclose your personal information to any party engaged in the assessment or evaluation of the FHG.

Your lender, Housing Australia and/or the Australian Government will store personal information collected through your home loan application process (including information to assess your eligibility under the FHG supporting documents, the loan agreement and any monitoring, research and evaluation activities in compliance with their respective obligations under the Privacy Act and any other privacy legislation applicable in their jurisdiction.

Your personal information will not be disclosed overseas. You may access or correct your personal information at any time by contacting your lender.

Further information about your lender's privacy policy and Housing Australia's privacy policy, including rights of access and complaints handling, may be accessed at your lender's website or [www.housingaustralia.gov.au](http://www.housingaustralia.gov.au) (as applicable).

# 7. Checklists – Your Eligibility Checks

The following checklists are to assist you to work through Your Eligibility Checks. You should refer back to the relevant sections of this document for further information on each check.

## 7.1 Checks for eligible single parents or eligible single legal guardians

The following checks are applicable for eligible single parents or eligible single legal guardians. If you answer 'no' to any of the questions, you will not be eligible to participate in the FHG.

No.	Question	FHG Guide section	Your answers	
Q1.	Will you be an eligible single parent or eligible single legal guardian as at your Home Loan Date?	2.1.1	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q2.	Do you have your Notice of Assessment for the 2022-23 income year (as issued by the Australian Taxation Office) (or did you earn less than the tax-free threshold)?	2.1.2	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q3.	Do you satisfy the income test?	2.1.2	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q4.	Will you satisfy the property ownership test at your Home Loan Date?	2.1.3	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q5.	Will you be an Australian citizen or permanent resident at your Home Loan Date?	2.1.4	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q6.	Will you be 18 years or over at your Home Loan Date?	2.1.5	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q7.	Do you have a deposit of at least 2% and less than 20% of the Value of the property you would like to purchase?	2.1.6	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q8.	Do you intend to reside in the property you purchase as an owner-occupier while your home loan is guaranteed under the FHG?	2.1.7	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Q9.	Are you sure there are no matters in your personal circumstances that could mean you aren't eligible for the FHG?	2.1.8	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## 8. Glossary

<b>ADF member</b>	A member of the Australian Defence Force (other than as a member of the Reserves), as those terms are defined in the <i>Defence Act 1903</i> (Cth).
<b>Eligible Loan</b>	A home loan made by a Participating Lender that is eligible to participate under the FHG.
<b>Eligible Property</b>	A residential property that is eligible to participate under the Scheme.
<b>Family Home Guarantee</b>	The Family Home Guarantee (FHG) is part of the Home Guarantee Scheme.
<b>FHG</b>	The Family Home Guarantee.
<b>FHG Place Reservation</b>	A reservation made by a Participating Lender for a guarantee to apply for your home loan under the FHG.
<b>Home Buyer Declaration</b>	The form of statutory declaration provided to you by your Participating Lender in relation to the FHG.
<b>HGS</b>	Home Guarantee Scheme.
<b>Home Loan Date</b>	<p>The date when you sign your home loan agreement with your Participating Lender.</p> <p><i>You will need to confirm what this date is with your Participating Lender, as it may differ between you and another family home buyer and may be different from other lenders and for particular purposes, depending upon their procedures for loan approvals and how they participate under the FHG.</i></p>
<b>Income Tax Assessment Act</b>	<i>Income Tax Assessment Act 1997</i> (Cth).
<b>Legal guardian</b>	Legal guardian as appointed by the court, with court issued documentation supporting guardianship (ie. Guardianship order).
<b>Housing Australia</b>	Housing Australia.
<b>National Consumer Credit Protection Act</b>	<i>National Consumer Credit Protection Act 2009</i> (Cth).
<b>Participating Lender</b>	Each eligible lender that has been approved by Housing Australia, as listed on <a href="http://www.housingaustralia.gov.au">www.housingaustralia.gov.au</a> . These include the Major Bank Lenders and the Non-Major Lenders. A reference in this document to “your lender” is a reference to “your Participating Lender”.
<b>Permanent resident</b>	An Australian permanent resident has the same meaning as in the Australian Citizenship Act 2007 (Cth).
<b>Privacy Act</b>	<i>Privacy Act 1988</i> (Cth).
<b>Real property</b>	“Real property” means the land, everything permanently attached to it, and all of the interests, benefits, and rights inherent in the ownership of real estate.
<b>Representative</b>	For any Participating Lender, any third-party broker or other person that is authorised by the Participating Lender to suggest that Eligible Borrowers may apply for, or to assist Eligible Borrowers to apply for, Eligible Loans with the Participating Lender.
<b>Scheme</b>	The Australian Government’s Home Guarantee Scheme (HGS).

<b>Scheme Webpage</b>	<p>The Webpage for the Family Home Guarantee is at <a href="http://www.housingaustralia.gov.au">www.housingaustralia.gov.au</a></p> <p><i>Information in relation to the Scheme that is included on or available through the Webpage is general information only and it does not form part of this document.</i></p>
<b>Social security benefit</b>	<p>“Social security benefit” means a widow allowance, a youth allowance, an Austudy allowance, a newstart allowance, a sickness allowance, a special benefit, a partner allowance, a mature age allowance, a benefit PP (partnered) or a parenting allowance.</p>
<b>Social security pension</b>	<p>“Social security pension” means an age pension, a disability support pension, a wife pension, a carer payment, a pension PP (single), a sole parent pension, a bereavement allowance, a widow B pension, a mature age partner allowance.</p>
<b>Value</b>	<p>The ‘Value’ of the property you purchase as assessed by the Participating Lender for your home loan in accordance with the requirements of the FHG.</p>



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