

LI 2024/28 -



Income Tax Assessment (Build to Rent Developments) Determination 2024

I, Jim Chalmers, Treasurer, make the following determination.

Dated 18 December 2024

Dr Jim Chalmers
Treasurer

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Part 1—Preliminary

1 Name

This instrument is the *Income Tax Assessment (Build to Rent Developments) Determination 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) 1 January 2025.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Income Tax Assessment Act 1997*.

4 Definitions

Note: Expressions have the same meaning in this instrument as in the *Income Tax Assessment Act 1997* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

assessing event, for a dwelling, means any of the following:

- (a) a lease being entered into for the dwelling;
- (b) the lease for the dwelling being renewed;
- (c) after a lease is entered into or renewed, one of more of the following occurring:
 - (i) an adult individual moving in or out of the dwelling;
 - (ii) a dependent child of an adult individual occupying the dwelling moving out of the dwelling, resulting in no dependent children of an adult individual occupying the dwelling continuing to occupy the dwelling.

Section 4

average annual earnings means the amount of the full-time adult average weekly ordinary time earnings (original), for the most recent period for which an amount has been published by the Australian Statistician, multiplied by 52.

Note: In 2024, statistics published by the Australian Statistician could be viewed on the Australian Bureau of Statistics website (<http://www.abs.gov.au>).

dependent child: an individual is a ***dependent child*** of another individual if:

- (a) the second individual is a parent of the first individual; and
- (b) either:
 - (i) the first individual is a dependent child of the second individual within the meaning of subsection 5(2) or (4) of the *Social Security Act 1991*; or
 - (ii) the first individual is receiving a disability support pension (within the meaning of the *Social Security Act 1991*), and lives with the second individual.

the Act means the *Income Tax Assessment Act 1997*.

Part 2—Build to rent developments

5 Requirements for affordable dwellings

Under subsection 45-153(3) of the Act, each of the following requirements for a dwelling to be an affordable dwelling are determined:

- (a) the rent payable under a lease for the dwelling must be 74.9% or less of the market value of the right to occupy the dwelling under the lease;
- (b) the dwelling must be tenanted, or available to be tenanted, only by one or more of the following:
 - (i) an adult living alone whose taxable income, for the most recent income year, for which the Commissioner has given the adult a notice of assessment, ending before the dwelling's most recent assessing event, was less than 120% of average annual earnings;
 - (ii) 2 or more adults living together whose combined taxable incomes, for the most recent income year, for which the Commissioner has given each adult a notice of assessment, ending before the dwelling's most recent assessing event, was less than 130% of average annual earnings;
 - (iii) one adult living with one or more dependent children of the adult, where the adult's taxable income, for the most recent income year, for which the Commissioner has given the adult a notice of assessment, ending before the dwelling's most recent assessing event, was less than 140% of average annual earnings;
 - (iv) 2 or more adults living with one or more dependent children of any of the adults, where the adults' combined taxable incomes for the most recent income year, for which the Commissioner has given each adult a notice of assessment, ending before the dwelling's most recent assessing event, was less than 140% of average annual earnings.