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Tax White Paper Task Force
The Treasury
Langton Crescent
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AHURI submission to the Tax White Paper Task Force

On behalf of the Australian Housing and Urban Research Institute (AHURI) I am pleased to provide a submission to the Tax White Paper Task Force (the Taskforce), responding to the Tax discussion paper.

The purpose of this submission is to draw the Taskforce's attention to the evidence-base relating to tax and the housing system developed by AHURI. This submission provides findings from AHURI research on:

- the contribution that taxes on land and on housing (including its production, transfer and maintenance) have on economic and social outcomes
- the contribution of the tax (and transfer) system in exacerbating housing affordability problems and imbalances in housing supply and demand in Australia
- evidence informed directions for policy development, to address these affordable housing supply problems
- how changes to the tax system can respond to some of the challenges to the tax base outlined in the Tax discussion paper, and address simplicity, efficiency, and equity concerns.

The submission also provides a list of expert AHURI researchers able to provide testimony relevant to the White Paper.

A full listing of research referenced in the submission—including AHURI reports—is provided at the end of the submission. In addition, direct web-links to the AHURI reports are provided in the submission. All AHURI research is available free from www.ahuri.edu.au.

I would like to thank the Taskforce for its consideration of our submission. I would welcome the opportunity to elaborate further on this submission.

If there is any way we can be of further assistance, please contact me directly on 03 9660 2300.

A handwritten signature in black ink, appearing to be 'I. Winter', written in a cursive style.

Dr Ian Winter
Executive Director

AHURI submission to the Tax White Paper Task Force

**Australian Housing and Urban
Research Institute**

May 2015

About AHURI

AHURI Limited is the small not-for-profit management company based in Melbourne that leads and manages the work of the Australian Housing and Urban Research Institute. Staff are experts in research management, research synthesis, knowledge transfer and research dissemination—including event design and management, and evidence informed facilitation.

AHURI Limited manages the National Housing Research Program, including a network of university-based Research Centres throughout Australia. It also supports the Indigenous Housing and Homelessness Policy, Practice and Research Network, convenes the biennial National Housing Conference, supports a range of events to engage the research, policy and practice communities, and supports the development of research capacity building.

Through its National Housing Research Program, AHURI Limited currently invests around \$4 million annually in high quality policy-oriented housing research and associated activities.

The company, through the AHURI Limited Board, is committed to the highest standards of corporate governance—undertaking vigilant internal and external audit processes each year—and to the promotion of transparency in our operations.

AHURI has a public good mission to deliver high quality, policy-relevant evidence for better housing and urban outcomes. Our work informs the policies and practices of governments and industry, and stimulates broader debate.

AHURI receives income from three sources: grants from the Australian and state and territory governments, contributions from our university partners, and third party income generated through fee for service activities.

What is our research approach?

AHURI is purposefully structured to support the delivery of high quality research and actively transfer this into policy development. We broker engagement between policy-makers and researchers, which allows us to undertake research that is purposeful and that actively contributes to national housing policy development.

We use a variety of academically rigorous research approaches, giving us the flexibility to undertake longer-term projects when fundamental research is needed and also respond quickly to new policy or practice issues as they arise.

Once research is complete, we ensure findings are actively disseminated through a variety of mechanisms, including our peer reviewed report series, events and conferences program, website, and our series of *Evidence Reviews*.

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Submission to the Tax White Paper Task Force

How does the present taxation system relate to housing?

It is not surprising that all levels of government seek to tax housing since it is geographically immobile and therefore relatively difficult for taxpayers to avoid payment:

- The federal government levies GST on materials for new housing, taxes capital gains in housing assets, and rental income for landlords.
- State governments impose stamp duties on transfer of properties (on conveyance, mortgages, and mortgage insurance contracts respectively), tax land values of residential properties.
- Local governments also impose rates based on land and property values.

Governments wanting to support citizens purchasing their own home have offset these taxes by way of stamp duty exemptions and grants for first home buyers, and exemptions for land tax and capital gains tax on owned and occupied properties (tax expenditures). They have also sought to support investment in the private rented sector by enabling property investors to deduct net losses against earned income (negative gearing) in their income tax assessment, and provided a program aimed at providing a tax credit for provision of low income housing (National Rental Affordability Scheme, or NRAS). The not-for-profit affordable housing sector has also been assisted through exemption from GST on building materials and local government rates discounts.

Systemic problems in housing affordability and housing security

There is evidence that the housing system is not generating affordable outcomes for many purchasers and renters, especially those on lower incomes:

- Social housing as proportion of all stock fell from 5.2 per cent in 1996 to 4.8 per cent in 2011 (Groenhart and Burke 2014).
- The affordability of private rental properties has declined, with median rents as a percentage of median income rising from 19 per cent of income in 1981 to 26.9 per cent in 2011 (Stone et al. 2013).
- In 2010 it was estimated there was an undersupply of 212 000 private rental dwellings affordable and available to households in the lowest 40 per cent of the income distribution—up from 138 000 in 2006 (Hulse et al. 2014).
- Rates of housing stress among private renters increased from 1981 to 2011. Most recent data indicates that 63 per cent of long-term renters are in housing stress (Stone et al. 2013).
- Low-moderate income households who enter home ownership now face far greater financial risks than households with equivalent incomes 30 years ago and are increasingly constrained to purchase in outer suburban areas. Almost 45 per cent of these households experienced mortgage stress (using the 30/40 rule) in 2007–08 compared to 21 per cent in 1981–82 (Hulse et al. 2010).

Housing affordability problems have longer term implications for social policy

Declining home ownership and increased exit from ownership undermine Australian retirement policies and increase wealth inequality

Australia has high rates of home ownership which have remained at around 67 to 68 per cent since 1976. The rate is higher amongst older groups, with 55–64-year olds achieving around 80 per cent ownership rates over the last 30 years up to 2011 (Burke et al. 2014). The Australian system of reliance on home ownership has enabled Australia to have a low cost retirement pension system and to reduce age care costs, and thereby reduce the rate of after housing poverty to one of the lowest in the world (AHURI 2013). High rates of ownership have also helped Australia to moderate wealth inequality in the past, though this is starting to erode (Whiteford 2014; Bridge et al. 2003). Ownership is also associated with greater social inclusion, including feelings of social connectedness at a neighbourhood level, neighbourhood interaction, feelings of social support and willingness to do volunteer work (Stone & Hulse 2007).

There are indications that these high rates of ownership are likely to fall in future as older age cohorts are replaced by younger cohorts with lower ownership rates and many low to moderate income households no longer enter ownership:

- There are falling rates of home ownership amongst 25–44-year olds—in 1981 61 per cent of 25–34-year olds and 75 per cent of 35–44-year-olds were home owners. By 2011 these figures had fallen to 47 per cent and 64 per cent respectively (Burke et al. 2014).
- In 1981–82, most low-moderate income purchasers were families with children, now they are singles and couples without children—some commentators are suggesting that it is increasingly difficult for low-moderate income purchasers to afford to both buy a home and have children (Hulse et al. 2010).

Home owners have maintained access to home ownership by trading off location, preferred housing type and taking on higher debt (Burke et al. 2014).

Exits from home ownership have also increased with 22 per cent of Australian home ownership careers characterised by either dropping out permanently (9%) or churning in and out (13%) of home ownership (the equivalent figures for the UK were only 5 per cent and 4 per cent respectively). This has potential implications for governments since over one third of those exiting home ownership in Australia become reliant on housing assistance—compared to only 27 per cent in the UK (Wood et al. 2013). It also undermines the objective of policy makers to have as many people as possible in home ownership in retirement.

Households are in higher debt and bringing debt into retirement

Those that have been able to enter home ownership have often done so at the expense of higher debt: whereas in 1981 the median mortgage for the 25–34 age group was 16.7 per cent of household income, by 2011 it was 26.8 per cent (Burke et al. 2014). Australian home buyers are therefore exposed to higher levels of credit risk for longer periods of their lives (Wood & Ong 2012).

Higher house prices have been associated with higher rates of household consumer indebtedness amongst home purchasers (Atalay et al. *in press*), and many are now retiring with housing debt (AHURI 2014; Ong et al. 2013; Wood et al. 2013; Cigdem et al. 2015). This may lead to positive labour market effects with greater retention in the

labour market after the age of 65, but there may need to be consideration for those in poor health, those that have a disability or a role as a carer (Hulse et al. 2010) and some may need to trade down or use superannuation to release that debt.

More households in rental—including families—are not socially connected and are renting long term

Private rental has expanded as a tenure with 23.4 per cent of all Australian housing—compared to 20.3 per cent in 1981 (Stone et al. 2013). The experience of social exclusion for private renters (and purchaser-owners) is significantly linked to issues of housing affordability and ongoing housing stress. For private and public renters, issues of dissatisfaction with housing are related to social exclusion experiences, suggesting significant housing trade-offs may be being made by these households including around location.

Furthermore, private rental is now becoming a long-term tenure for many. Once a predominantly short-term transitional tenure, 33 per cent of its occupants (in 2007–08) are now long-term private renters who have rented for 10 years or more continuously, (an increase from 25% in 1994). Long term private renters (597 000) now outnumber households in public housing (365 000) as shown in Stone et al. (2013). Around 30 per cent of long term private renters are families with dependent children. Mobility in the tenure is also high with a third of all renters who move house doing so involuntarily. Long-term renting is associated with lower than average (for all households) satisfaction with financial circumstances and employment opportunities and lower levels of satisfaction in feeling part of their local community compared with other tenures, including other private renters (Stone et al. 2013).

The trend towards reduced entry to home ownership and long-term renting, and, has future implications for security of tenure in later life, especially for low–moderate income earners.

Is poor affordability just a housing policy issue?

The causes and nature of Australia's affordable housing problems are complex, diverse and interact differently in different parts of Australia. While housing policy does have some of the answers—such as moves in housing policy to link assistance to increasing net new supply in particular market segments through the National Rental Affordability Scheme, or recent amendments to first home owner subsidies — the causes and the solutions of Australia's affordable housing problems extend beyond the influence of housing policy. The financial system, taxation arrangements, federal–state relations, income support, land-use planning and public infrastructure all have a bearing on housing affordability. The present tax review is a timely opportunity to consider the evidence on how these policy domains impact on the housing system and upon housing affordability in particular.

Does the present housing taxation system have adverse economic impacts?

Owner occupation and financial risk

The present housing system is centred on home ownership, with purchasers and owners receiving significant tax relief (no capital gains tax, no tax on imputed income derived from occupying property). This is largely justified on the basis that this asset is a socially desirable investment which may reduce calls on government expenditure, especially in retirement. In general, home ownership has been found to have

significant positive wealth-building benefits including for low income earners (Hulse et al. 2010), in addition to the many non-shelter benefits outlined above. However, in Australia and the US, housing assistance is associated with higher house prices—while this aids wealth accumulation for those who own or are purchasing, it hinders access for aspiring first home buyers (Bridge et al. 2003)

AHURI research indicates that owners are now more accustomed to using new flexible mortgage products to access their housing wealth, and so use that wealth as a financial buffer to meet needs over time (Wood & Ong 2012). Previous AHURI research found that more than two-fifths of Australian home owners, used their homes as collateral to increase their net mortgage borrowing in at least one year ending between 2002 and 2005—compared to one third of UK home owners (Wood et al. 2010b). As this role for housing wealth grows in importance, owners will need more protection against investment risks. It may be argued that tax as well as asset test concessions have helped to encourage this outcome because other forms of saving are not as tax effective (Wood & Ong 2012).

Capital gains tax and negative gearing influence investment in residential rental property

Negative gearing is an attractive investment strategy due to the combination of the tax advantages of negatively geared residential investment with the capital gains tax 50 per cent discount (Wood et al. 2010b). Australian Tax Office figures show the popularity of its use: in 2006–07, 68 per cent of individuals deriving rent had a net rental loss from their property (Wood et al. 2010b). There is concern that the combination of the two policies is focussing investment towards potential for capital gain, undermining objectives of affordability (Wood et al. 2011).

Modelling by AHURI suggests that one-in-four property investments are withdrawn from the rental market within 12 months. Younger, low-income, and negatively geared property investors are more likely to make early exits from the rental housing market—in one-year, 50 per cent of negatively geared investors in the study sample sold the property, by comparison with 20 per cent of all investors (Wood et al. 2010a). Current taxation arrangements can also have undesirable secondary effects on market behaviours, contributing to poorer housing outcomes and volatility in the market.

Focus on low end of the rental market

If low income tenants are to find properties they can rent with stability, policy-makers need to know what motivates Australia's landlords to commit to the rental market or to sell up, and what incentives are needed to offer longer term leases. AHURI research points to the importance of the user cost of capital in driving rental investment behaviour, and so changes to policy that impact on the user cost measure could have major effects on the propensity to invest, and the willingness of landlords to remain in the market (Wood & Ong 2010a). Both federal and state governments' taxes will have impacts on landlord user costs.

Additional taxation benefits accrue to not-for-profit developers taking up the NRAS, which uses a system of tax credits for provision of affordable housing equivalent to around \$6000 per dwelling per year, over 10 years. Renters eligible for this scheme (receiving Commonwealth Rent Assistance) would have their rent reduced by 20 per cent of the equivalent market rate. AHURI research has shown that of those CRA recipients presently in housing stress, 40 per cent would be lifted out of housing affordability problems (Wood 2009). As at June 2013, 14 575 incentives have been

allocated (tenanted or available for rent) out of the 38 459 allocated and reserved suggesting that more is required to incentivise this investment (Rowley et al. 2015)

Stamp duty hinders labour mobility and fluid matching of supply and demand

Stamp duties impede access to home ownership because it tightens borrowing constraints and this appears to be an issue in Australia (Wood et al. 2010b; Wood et al. 2003). The provision of First Home Owner Grant raises the rate of home ownership and accelerates ownership, but is regressive in impact, favouring mainly those able to access home purchase (Wood et al. 2003).

However, stamp duty also limits incentives to transfer housing and represents an impost on home purchasers, especially for those who are ineligible for first home owner grants (such as former owners), undermining labour mobility (Productivity Commission 2013; Wood et al. 2010b). Stamp duties are seen as a financial disincentive to downsizing for older Australians (Judd et al. 2014). This may have implications for broader affordability outcomes if downsizing releases housing more suitable for families and creates better matching of housing to need.

Land tax and GST disadvantage new housing supply

AHURI research shows that because all existing housing is exempt from GST, this policy is tenure neutral (Wood et al. 2010b). However, GST at 10 per cent applies to most transactions in respect of new housing, carried on by developers in the course of an enterprise as 'taxable supplies'. In this respect, the GST exemption rules impede the goal of adding to the supply of housing (Wood et al. 2010b).

Not-for-profit community housing providers receive exemption from GST. AHURI research has found that half of the not-for-profit (NFP) housing organisations examined had structures to contain or quarantine risk that was associated with private finance, development/construction and NRAS from their core rental housing business (Milligan et al. 2013). A main vehicle for doing this was the special purpose vehicle (SPV), which is a subsidiary set up for a specific purpose, such as financing and developing new housing. SPVs typically do not have public benevolent institution or deductible gift recipient status, but GST exemptions still apply when they are NFP organisations.

Land tax is likely to be a factor limiting investment by institutional investors because of the way tax increases for larger land holders. This is because Land Tax is payable only above certain specified land value thresholds, but is payable on the combined land value of all property holdings. The multiple property landlord is thus far more likely to exceed such a threshold and to be liable to pay Land Tax. Early AHURI modelling has shown that the effective tax burden increases as the number of rental dwellings held by a landlord increases (Wood et al. 2003). For example, for a typical single property landlord in Sydney the effective tax burden increases by nine percentage points from 50 per cent to 59 per cent when they invest in one additional rental dwelling, creating a financial disincentive for landlords to increase the supply of rental dwellings.

Is the system of housing related taxation inequitable?

Inter-tenural inequity

There is evidence that the taxation of housing is inequitable in the way it distributes benefits to different groups. AHURI research has used a tenure-neutral approach in analysing the impact of tax expenditures, and found that in 2005–06 there was

\$45 billion in indirect assistance to owner-occupiers—the equivalent of an average annual subsidy of almost \$7000 per household per year (Yates 2009). However, most of this benefits home purchasers and owners (more than \$8000 per household per year), compared to investors (\$4000 per year) or renters (\$1000 per year), although these estimates exclude direct subsidies to first home owners (e.g. through first home owners grants) and to private renters (e.g. through rent assistance) which would moderate these differentials, the differentials remain marked.

The tax system provides generous tax breaks for a purchaser's or owner's principal place of residence (of around \$8000 per household, per year). Tax expenditure subsidies directed towards owner occupiers are made up of (Yates 2009):

- \$29.8 billion from the capital gains tax exemption of the family home ('main residence')
- \$6.9 billion from the non-taxation of imputed rent (in turn, made up of a benefit from the non-taxation of imputed rent less operating costs and a cost from the non-deductibility of mortgage interest costs)
- \$4.8 billion from the exemption of imputed rent from the GST
- \$3.5 billion in exemption from state-based land taxes.

Inter-generational inequity

Younger (less than 45 years of age) owner-occupiers, most of whom have relatively low equity in their dwellings and face high mortgage debt, are relatively disadvantaged by the structure of tax expenditures because of their inability to deduct the costs of purchasing their home from the income it produces. This disadvantage, however, is greatest for higher income younger purchasers because of their greater borrowing capacity. High income purchasers under 45 years old receive an average subsidy of \$6500 per year, by comparison older purchasers receive over \$20 000.

The budgetary burden of housing assistance on the future tax payer is also a relevant issue. AHURI research suggests that because housing subsidies in Australia tend to be targeted towards older and higher income home owners, with a disproportionately small amount of assistance on younger, lower income households (Cigden et al. 2015). This suggests that demographic change will work towards increased budgetary expenditures:

... as Australia's population ages, the number of recipients of relatively large housing subsidies will grow and the budgetary cost of sustaining present subsidy arrangements could blow out, unless future reforms ensure a more horizontally uniform distribution of subsidies across the life-cycle. (Cigden et al. 2015, p.3)

This is exacerbated by the number of people exiting home ownership, many of whom end up utilising Commonwealth Rent Assistance (Cigden et al. 2015).

Other AHURI research indicates that intergenerational inequity is exacerbated by the fact that access to home ownership is becoming dependent upon access to bequests or gifts from parents or relatives, while others not receiving these gifts have to take on larger mortgages (Wood et al. 2010b; Yates 2007). The tax and transfer system provides no support for recurrent costs of these mortgages, while the tax system favours those of an older age, especially retirees (Wood et al. 2010b).

Vertical Inequity

AHURI research shows that tax expenditure policies have vertical equity implications as they disproportionately advantage higher income earners (Yates 2009). For all

households (that is, owners and renters) in the top income quintile, the average annual benefit from the largest of the tax exemptions alone (exemption of the family home from the capital gains tax) is over \$8000 per year, around seven times the average annual benefit of \$1200 per year for households in the lowest income quintile.

How could the present taxation system be made more efficient, equitable and simple?

The present system concentrates tax relief towards owner occupiers and private rental investors seeking capital gains (often in more expensive and established markets), and there is less support for investment in new, affordable and tenure secure housing.

There is scope to reconfigure policies so that they work more efficiently and equitably to meet the objective of raising revenue while not adversely affecting housing affordability and tenure security outcomes especially for those on low incomes and the young. There may also be a need to recalibrate tax expenditure benefits across the life-course and across tenures.

Taxation reform might focus on ways to improve affordability by increasing supply and moderating demand for existing property. This includes providing taxation incentives to:

- a range of investors in private rental including institutional investors and others interested in financial yield (not just those focused on capital gains) and providing long term (i.e. more secure) rental tenures
- investors and purchasers financing new rather than existing homes
- developers to redevelop more expensive or underutilised land to provide more housing.

Continued use of tax credits to encourage investment in affordable rental housing

Tax credit systems (such as used in the United States) have been adapted to Australia and utilised through the NRAS. Wholesale investors however, were being held back by the limited value of a tax offset to institutions and the time taken for a decision to be made on applications for NRAS incentives (Milligan et al. 2013).

Tax credits are an important component of investment in housing. There is a need to foster new sources of institutional investment to achieve both competitive pricing and greater liquidity—the market requires both institutional and retail ('mum and dad') investors. The Housing Supply Bonds proposal developed for AHURI (Lawson et al. 2012) provides one example of how this could be achieved by tailoring bond issues with different characteristics for different investor classes by adapting an Austrian scheme to Australia.

The Housing Supply Bonds scheme has been found to be popular among risk averse investors in Austria—an efficient scheme for capturing long-term savings, and given the modest tax incentive, very cost effective (Lawson et al. 2012). In its recent report on housing affordability, the Senate Economics Reference Committee (2015) recommended that the Federation White Paper process give due consideration to the proposal for the introduction of housing supply bonds using the AHURI research as a starting point.

Reforming negative gearing

An AHURI study has simulated the recommended housing policy changes in the Henry Review of Taxation in relation to negative gearing (Wood et al. 2011). The Henry Review of Taxation recommended introducing a Savings Income Discount (SID) of 40 per cent for net rental income (including capital gains) from non-business assets—this is designed to offer a balanced tax treatment of rental income and capital gains while curbing some of the tax shelter benefits provided by negative gearing. In relation to its advocated changes to negative gearing, the study found that:

- After-tax economic costs for negatively geared investors would increase from 8.0 to 8.5 per cent but for equity investors they would decline from 8.0 to 7.5 per cent.
- This would have a mixed effect on investors' willingness to retain investments—unleveraged and equity-oriented investors would likely be more inclined to retain investments under the reforms while negatively geared investors would be more likely to realise their investments. Because these supply responses would offset each other, a 'flight of investors' from private rental housing seems unlikely.
- The changes would improve affordability for renters: the lower costs would flow through into long term average annual rents, falling by just over \$300 per year.

Broadening land tax and abolishing stamp duty on residential purchase

The Henry Review of Taxation also recommended the removal of stamp duties (thus simplifying the system) and levying of broad based land tax on a per land holding basis. This would avoid the distortionary effects of current tax arrangements which are not tenure neutral—at present owner occupiers do not pay land tax, but investors do. Further, the determination of land tax thresholds by per square metre value would apply a higher tax rate to more expensive land.

AHURI modelling of the imposition of a reformed land tax to replace stamp duty found that (Wood et al. 2012):

- There are some positive impacts on affordability with the average plot with a land value of \$335 000 (at 2006 prices) declining by \$24 000 (approximately 5%). It would reduce land values the most in the inner cities (around 12%), making purchases in these areas cheaper. In suburbs further away from the CBD, the percentage decline in mean land value will be lower at 8 per cent or less.
- The change will be felt most keenly where pressure on land use is most acute, and will speed up development in areas where land is more expensive.
- The removal of stamp duty might also affect the timing of development, as older households would find trading down is a more effective way to access housing equity.

Expert AHURI Researchers able to provide testimony

AHURI is able to facilitate direct communication with the authors of AHURI research, should further evidence be of assistance in the Inquiry hearings. Authorities in the area of affordable housing in Australia include:

- Professor Mike Berry
- Professor Terry Burke
- Professor Kath Hulse
- Dr Julie Lawson

- Associate Professor Vivienne Milligan
- Associate Professor Rachel Ong
- Dr Wendy Stone
- Professor Gavin Wood

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