

Housing Assistance Public Rental Housing Assistance Program (Rental housing assistance – Reassessment of eligibility and needs category) Operation Guideline 2008 (No 1)

Notifiable Instrument NI2008- 174

made under the

Housing Assistance Act 2007 s21(1) Approved housing assistance programs—housing operation guidelines

1 Name of instrument

This instrument is the *Housing Assistance Public Rental Housing Assistance Program (Rental housing assistance – Reassessment of eligibility and needs category) Operation Guideline 2008 (No 1)*.

2 Commencement

This instrument commences on the day after its notification.

3 Operation Guideline

In accordance with section 21(1) of the *Housing Assistance Act 2007* I issue this housing operation guideline for the *Housing Assistance Public Rental Housing Assistance Program 2007* ("the Program").

Purpose

To provide guidance on the procedure to be adopted when an applicant's application is reassessed before the provision of rental housing assistance; and to clarify the circumstances where a reassessment might take place and to outline the issues that need to be addressed.

Relevant provision of the Program

Clause 14 – Rental housing assistance – Reassessment of eligibility and needs category

1. Clause 14 provides that the housing commissioner may, at any time before the provision of rental housing assistance, reassess an application for rental housing assistance. An applicant may be asked to provide further information for the assessment to be undertaken and

the applicant must provide the information in line with the provisions of sections 24(3) or 25(2) of the *Housing Assistance Act 2007*. The applicant would need to provide the information as at the relevant assessment date rather than the date of application.

Subclause 14(2) requires that the applicant be notified **in writing** of the date relevant to the assessment.

2. Following the reassessment the housing commissioner may:
 - (a) confirm that the applicant continues to satisfy the eligibility criteria and may remain on the register;
 - (b) change the needs category of the applicant and vary the register to acknowledge this change;
 - (c) remove the applicant's name from the register if the applicant no longer satisfies one or more of the eligibility criteria.

Retention of registration date

3. Where a person who is removed from the register in accordance with subclause 2(c) successfully appeals the decision they will retain their original registration date. However, if the person who was removed in accordance with subclause 2(c) subsequently makes a fresh application their registration date would be based on the date of their new application.
4. Where the applicant's needs category is changed the application will retain the original registration date. In this regard reference should be made to subclause 16(3) which requires an applicant's name to be moved on the register to reflect their changed needs category.
5. Subclause 14(5) also provides for the applicant to apply for a change to their needs category. Again, where the needs category is changed as a result of an application, the applicant would retain their original registration date.

General provisions

Further information

6. If the applicant provides additional information which may further establish their need to be considered as an eligible applicant, the application can be reassessed.

False or misleading information

7. Under the Program an applicant is not eligible for assistance if the application is false or misleading in any material way or if an applicant has arranged his or her financial affairs to obtain assistance under the Program.

Review

8. A decision made under clause 14 of the Program is a reviewable decision in terms of clause 30 of the Program.
9. *Any reference to "Housing ACT" in an operation guideline is a reference to Housing ACT being a section of the Department of Disability, Housing and Community Services representing the housing commissioner.*

Dated this 24th day of April 2008

Sandra Lambert
Commissioner for Social Housing