

Housing Assistance Public Rental Housing Assistance Program (Exceptions and Miscellaneous Matters, hard-to-let dwellings) Operation Guideline 2008 (No 1)

Notifiable Instrument NI2008- 176

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 (Exceptions and Miscellaneous Matters, hard-to-let dwellings) 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 subclauses 19(4) and 19(5) – hard-to-let dwellings, to determine if a discretion should be exercised to provide assistance outside the normal allocation arrangements.

Subclause 19(4) – Hard-to-let dwellings

1. Subclause 19(4) specifies:

Despite anything else in this program the housing commissioner may, in his or her absolute discretion, provide rental housing assistance to an eligible applicant, by providing them with a specified dwelling, otherwise than in accordance with the general allocation procedures set out in this program.

2. Subclause 19(5) states that a specified dwelling is one that is considered "hard-to-let" because of particular attributes of the dwelling.
3. A 'note' in the Explanatory Statement in relation to this provision is provided. It indicates that the provision relates to dwellings that because of their location, condition, or size, are considered difficult to let. This difficulty could be established by the number of applicants who have refused such a dwelling after being made an offer within the standard allocation procedures.

Where this is established, allocation of the dwelling may be considered outside the standard allocation procedures in the interests of the efficient management of the public housing stock.

4. Where any of the above circumstances are considered relevant to a particular dwelling, consideration should be given to exercising the discretion to allocate outside the normal allocation arrangements.

General provisions

Further information

5. If the applicant provides additional information which may further establish their needs, the application can be reassessed.

False or misleading information

6. 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

7. A decision made under subclause 19(4) of the Program is not a reviewable decision in terms of clause 30 of the Program. In particular, it is not subject to review by the Administrative Appeals Tribunal.
8. *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