

Housing Assistance Public Rental Housing Assistance Program (Rental Transfer) Operation Guideline 2008 (No 1)

Notifiable Instrument NI2008- 178

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 Transfer) Operation Guideline 2008 (No 1)*.

2 Commencement

This instrument commences on the day after its notification.

3 Housing 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 where a tenant applies for a rental transfer in accordance with subclause 20(1) of the Program and subclause 20(4) may apply to that application.

The procedure in this guideline is to be adopted where an application is received from a tenant for a rental transfer under subclause 20(1) and, if approved, the rental transfer will result in the transfer of the tenant to either:

- (1) a dwelling with fewer bedrooms than the dwelling being occupied by the tenant; or
- (2) other housing where the housing commissioner considers the transfer will enable the more efficient use or management of public housing stock.

Relevant provision of the Program

Clause 20 – Rental transfer

1. Clause 20 of the Program provides:

- (1) *A tenant may apply to the housing commissioner for a transfer from a dwelling provided by way of rental housing assistance to a new dwelling, which will be a rental transfer for the purpose of this program.*

Note If the housing commissioner approves a form for an application, the form must be used.

- (2) *This program applies to the application for a rental transfer as if it were an initial application for rental housing assistance.*
- (3) *The housing commissioner may approve the application for a rental transfer.*
- (4) *Despite subclause (2), if a tenant applies for a rental transfer which will result in the transfer to a dwelling with fewer bedrooms, or to other housing where the housing commissioner considers that the transfer will enable more efficient use or management of the public housing stock, the following clauses do not apply to the application:*
- (a) *clause 9(1);*
 - (b) *clause 13;*
 - (c) *clause 16;*
 - (d) *clause 18(3).*

Issues to be considered

2. The tenant may apply for a rental transfer under clause 20 of the Program. The housing commissioner cannot compel a tenant to seek a rental transfer under this clause.
3. In accordance with subclause 20(2) of the program an application for rental transfer is treated as if it were an initial application for rental housing assistance. However, subclause 20(4) removes the need for an applicant tenant to comply with certain provisions of the Program in situations where a rental transfer would result in the transfer of the tenant to either:
- (1) a dwelling with fewer bedrooms than the dwelling being occupied by the tenant; or

- (2) other housing where the housing commissioner considers the transfer will enable the more efficient use or management of public housing stock.
4. Where subclause 20(4) of the Program applies, the following issues may be taken into account when considering a tenant's application for a rental transfer:
- (a) current circumstances;
 - (b) household composition, including the tenant's age and the number and age of children;
 - (c) the tenant's tenancy history with Housing ACT, including the length of time in their current property;
 - (d) caring and access arrangements, including care of grandchildren and foster caring;
 - (e) property requirements, including the need for disability modifications;
 - (f) requirements for access to a specific school or educational institution;
 - (g) connections with social networks and supports;
 - (h) emotional and mental health of the tenant or residents;
 - (i) requirements for access to medical and other health and community services;
 - (j) pets;
 - (k) housing requirements;
 - (l) future plans and aspirations; and
 - (m) the availability of suitable alternatives.

Offer of a property

5. Having:
- (1) received an application for a rental transfer under subclause 20(1) of the Program to which subclause 20(4) has application;
 - (2) assessed the tenant's needs and circumstances; and
 - (3) established the applicant satisfies any other applicable provisions of the Program

the housing commissioner may, as applicable, offer a rental transfer to either:

- (a) a dwelling with fewer bedrooms than the dwelling being occupied by the tenant; or
- (b) other housing where the housing commissioner considers the transfer will enable the more efficient use or management of public housing stock.

6. Housing ACT's Housing Size Guidelines do not apply to a rental transfer under clause 20 of the Program.
7. The tenant will be able to nominate areas of locational preference and will be offered up to three properties in their nominated area of preference (if available). The properties offered will, as far as possible, take into account the issues outlined at clause 4 of this guideline.
8. Tenants who refuse three successive offers of a dwelling by way of rental transfer may have their application for rental transfer cancelled, and therefore remain in their current dwelling.
9. Subject to the availability of suitable public housing stock the housing commissioner will endeavour to make offers of assistance by way of rental transfer to applicants, whose applications satisfy subclause 20(4) of the Program, within 6 months of the housing commissioner's receipt of the application.

Transferring tenants

10. Housing ACT may offer assistance up to the value of \$2 500 per household for a rental transfer to a dwelling with fewer bedrooms. Housing ACT must approve, in advance, expenditure in relation to this assistance and may reasonably refuse to approve requests. This assistance will not be paid in cash, but in the form of payments to suppliers.
11. The assistance may be used to cover expenses such as, but not limited to:
 - (a) removalist's costs;
 - (b) reconnection fees for utilities and other services;
 - (c) cleaning;
 - (d) tenant responsible maintenance (e.g. gardening); and
 - (e) packing and unpacking.

General provisions

Further information

12. 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

13. 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.

