

Australian Capital Territory

# Housing Assistance Public Rental Housing Assistance Program (Facilitation of Community Rental Housing Assistance) Operation Guideline 2010 (No 1)

Notifiable Instrument NI2010- 455

made under the

**Housing Assistance Act 2007 s 21(1)** Approved housing assistance programs— housing operation guidelines

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## 1 Name of instrument

This instrument is the *Housing Assistance Public Rental Housing Assistance Program (Facilitation of Community Rental Housing Assistance) Operation Guideline 2010 (No 1)*.

## 2 Commencement

This instrument commences on 1 September 2010.

## 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 2010* ("the Program").

## Purpose

To provide guidance on the procedure to be adopted where a person applies for facilitation of community rental housing assistance.

The procedures in this guideline are to be adopted where an application is received from a person under clause 8 for community rental housing assistance to be provided through a housing provider and facilitated by the housing commissioner under clauses 8A and 18.

## **Relevant provision of the Program**

### ***Clause 18 – Provision of rental housing assistance***

1. Clause 18 of the Program provides (in part):
  - (1) *This clause is subject to the availability and suitability of housing to be provided by way of rental housing assistance or community rental housing assistance as the case may be.*
  - (2) *The housing commissioner may*
    - (a) *provide rental housing assistance to an eligible applicant ; or*
    - (b) *facilitate the provision of community rental housing assistance to an eligible community applicant by a housing provider in accordance with clause 8A.*
  - (3) *Unless the housing commissioner determines otherwise in relation to a particular needs category, the order in which the housing commissioner:*
    - (a) *provides rental housing assistance to eligible applicants; or*
    - (b) *facilitates the provision of community rental housing assistance to eligible community applicants in accordance with clause 8A*

*is to be determined by the needs category given to each application and the order of applicants' names on the register.*

### **Facilitation of assistance**

2. In accordance with clause 13, an application by an eligible applicant (including an eligible community applicant) is required to be allocated a needs category for rental housing assistance or facilitation of community rental housing assistance having regard to the criteria and the needs of the applicant.
3. The following needs categories, as determined by the housing commissioner, currently apply (in descending order of assessed need and priority):
  1. priority housing;
  2. high needs housing; and
  3. standard housing.
4. Public housing applicants allocated to the priority housing needs category are required to be offered assistance on a needs basis while assistance from the other two categories is offered chronologically in accordance with the date an application is received by the housing commissioner. These arrangements are subject to modification by determination under the Program. Modified arrangements apply to community applicants, as outlined below.

## Notification of a housing vacancy

5. Community applicants are to be identified for the provision of community rental housing assistance in accordance with clause 18(3)(b) subject to the suitability of the applicant for the notified vacancy. The following factors are to be considered in identifying applicants:
  - (1) their housing needs category;
  - (2) the date of their application to the housing commissioner for facilitation of community rental housing assistance;
  - (3) their suitability for the available dwelling, with respect to:
    - the size and location of the notified vacancy;
    - the property specifications of the notified vacancy in relation to the identified requirements of the applicant;
    - the target group of the notified vacancy; and
    - compatibility of the applicant with the specified aims, objectives and other requirements of the housing provider.
  - (4) in the case of pre-existing community housing applicants, the date they applied for and were included on the waiting list of a community housing provider; and
  - (5) any other pertinent issues, such as the requirement for support to maintain the tenancy.
6. Action to facilitate the provision of community rental housing assistance to a community applicant commences when a housing provider notifies the housing commissioner that a community housing vacancy has occurred.
7. On receipt of notification, timely action is to be taken to identify the relative entitlements of eligible community applicants who applied for assistance to be provided through the housing provider in question.
8. When an applicant is selected having regard to the above criteria, details of the applicant are to be forwarded to the housing provider for consideration of an offer of community rental housing assistance. Where considered appropriate the details of up to three eligible community applicants may be referred to the housing provider for consideration.
9. Where the dwelling is offered to and accepted by an applicant the housing provider will notify the housing commissioner that an allocation has been made.
10. Once the housing commission has received notification from the housing provider that an allocation has been made, the person's application will be removed from the register (unless the housing commissioner decides otherwise).
11. Where the housing provider decides not to offer the vacancy to an eligible community applicant who has been referred for consideration,

the housing provider is required to provide the reason for their decision. If the housing commissioner approves a form for this purpose, the form is to be used.

## **General provisions**

### ***Further information***

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

## **Review**

14. Decisions made under clauses 13 (needs category) and 18 (provision of assistance) of the Program are reviewable decisions in terms of clause 30 of the Program.

*Note* 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 6<sup>th</sup> day of August 2010

Martin Hehir  
Commissioner for Social Housing