

Housing Assistance Rental Bonds Housing Assistance Program (Eligibility criteria for rental bond assistance) Operation Guideline 2012 (No 1)

Notifiable Instrument NI2012–259

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 Rental Bonds Housing Assistance Program (Eligibility criteria for rental bond assistance) Operation Guideline 2012 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Revocation

I REVOKE housing operation guideline N12008 – 182 notified on 22 May 2008

4 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 Rental Bond Housing Assistance Program 2010* ("the Program").

Purpose

To provide guidance on the application of clause 9 – Eligibility criteria for rental bond assistance - and to ensure that the applicant satisfies each of the eligibility criteria set out at clause 9 of the Program, unless discretion available under the Program has been exercised in favour of the applicant.

Relevant provision of the Program

Subclause 9(1) - Eligibility criteria for assistance

1. The eligibility criteria are specified at clause 9 of the Program. Amongst other criteria, the following criteria must be met:
 - each applicant must be in Australia lawfully and not subject to any time limit imposed by law;
 - at least one applicant is resident, employed, enrolled to study at a high school or secondary college, or enrolled in a course of study of at least one academic year with a higher education provider in the Territory;
 - each of the applicants are at least 16 years of age;
 - none of the applicants has any interest in residential real property in Australia;
 - the combined value of assets of the applicants is not more than the asset eligibility limit;
 - the combined value of liquid assets of the applicants is not more than the liquid asset eligibility limit; and
 - the combined income of the household does not exceed the relevant limits.
2. The requirement that an applicant's presence in Australia must not be subject to any time limit imposed by law should be taken to mean that an applicant must have permanent residence in Australia to be eligible.
3. However this requirement is subject to clause 9(2), which allows the housing commissioner to decide that a certain time limit imposed by law is not relevant to eligibility. The housing commissioner has made a Determination under the Program (Notifiable Instrument 2007-372) that time limits in relation to Temporary Protection Visa holders are not relevant in this respect.
4. The requirement that an applicant must not have an interest in residential property in Australia is also subject to clause 9(3) specifying circumstances in which this requirement may not apply. This could include a situation where a woman with or without children is escaping domestic violence and is unable to live in the dwelling.
5. In determining eligibility for rental bond assistance in relation to income and assets, it is necessary to take into account classes of income and assets that have been determined as "not assessable" for the purpose of the Program in accordance with clauses 4 and 11. These are specified in a Determination made by the housing commissioner from time to time.

Hardship

6. An applicant must meet all eligibility criteria. The only exception would be where the decision maker decides to exercise the hardship discretion in accordance with clause 10 of the Program.

General provisions

Further information

7. 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

8. 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

9. A decision in relation to:
 - (a) an application for rental bond assistance; or
 - (b) revoking or amending a decision mentioned in paragraph (a)is a reviewable decision in terms of clause 15 of the Program.
10. *Any reference to "Housing ACT" in an operation guideline is a reference to Housing ACT being a section of the Community Services Directorate representing the housing commissioner.*

Dated this 16th day of May 2012

Natalie Howson
Commissioner for Social Housing