

Housing Assistance Public Rental Housing Assistance Program Delegation 2016 (No 1)

Notifiable Instrument NI2016 - 115

made under the

***Housing Assistance Act 2007, section 17 (Housing commissioner—
delegation)***

1 Name of instrument

This instrument is the *Housing Assistance Public Rental Housing Assistance Program Delegation 2016 (No 1)*.

3 Commencement

This instrument commences on the day after it is notified.

3 Delegations for the Public Rental Housing Assistance Program

I delegate my powers under the Program specified in column 1 of the attached Schedule to each person holding or performing the duties of an office in the ACT Public Service specified in column 2 of the Schedule with details of positions shown in the Addendum.

4 Revocation

This instrument revokes NI2013 – 274, the *Housing Assistance Public Rental Housing Assistance Program Delegation 2013 (No 1)*.

Natalie Howson
Commissioner for Social Housing
26 February 2016

COLUMN 1 Provision and outline of power	COLUMN 2 Office (Details of positions shown on Addendum)
All powers under the Housing Assistance Public Rental Housing Assistance Program	Deputy Director-General; Executive Director; Senior Director / Chief Operating Officer; Director Business and Capital
Clauses 4, 6, 7, 8, 9(2), 11(2), 13(1), 13(2), 18(3), 19(1), 28 – determine asset eligibility limit; determine assets of a kind to be disregarded; decide that a person may be excluded from the <i>household</i> consistent with the clause 4 definition; make determinations; issue operation guidelines; approve application forms; decide that certain time limits imposed by law are not relevant; determine income to be disregarded; determine purposes for which excludable amounts may be expended; determine needs categories and criteria for the allocation of categories to applicants; decide order of allocation for a needs category to be non-chronological; provide assistance earlier than under clause 18(3) in extreme circumstances; require tenant to transfer to another dwelling	Deputy Director-General; Executive Director; Senior Director / Chief Operating Officer; Director Business and Capital
Clause 8A(1) & (3) – provide names of eligible community applicants to housing providers	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 8(2) – require information to be provided in relation to an application	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO3s; ASO2s
Clause 8(3) - determine who are to be considered the applicant or joint applicants	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 9(1) – decide whether an applicant meets the eligibility criteria (including criteria modified under clause 9(1B))	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 9(3) – decide to disregard any property in which an applicant has an interest	SOGAs; SOGBs; SOGCs
Clause 9(5) – decide that an applicant is eligible for assistance (despite misleading information; contrived schemes etc)	SOGAs; SOGBs; SOGCs
Clause 10 - Disregard eligibility criteria if the applicant is suffering severe hardship	SOGAs; SOGBs; SOGCs
Clause 11 - decide a person has earned, derived, received or become entitled to an amount of income, including compensation for income lost or foregone, and deeming particular applicants are receiving amounts equivalent to a relevant pension or benefit	SOGAs; SOGBs; SOGCs; ASO6s
Clause 12 – disregard current weekly income or average gross weekly income for preceding 26 weeks; decide that a period other than 26 weeks is appropriate	SOGAs; SOGBs; SOGCs
Clause 13(3) - allocate a needs category for an application	All SOGAs and SOGBs; SOGCs; ASO6s; ASO5s

Clause 14 – re-assess application for eligibility and needs category and take appropriate actions	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 16(2) – enter names of applicants on register	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
Clause 16(3) – re-enter an application on the register after the needs category is varied under clause 14	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO3s
Clauses 17(1) & (2) – remove applicant’s name from register and notify applicant	SOGAs; SOGBs; SOGCs; ASO6s
Clause 17(3) – return applicant’s name to the register; extend period to request re-instatement	SOGAs; SOGBs; SOGCs; ASO6s
Clauses 18(2), (4) & (6) – offer/provide rental housing assistance; facilitate community rental housing assistance in accordance with clause 8(A)	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 18(5) – agree to alternative arrangements for acceptance of housing assistance	SOGAs; SOGBs; SOGCs
Clause 18(7) – decide not to remove application from register after assistance is provided	SOGAs; SOGBs; SOGCs
Clause 19(2) – provide assistance following tenancy breakdown to remaining occupant(s)	SOGAs; SOGBs; SOGCs
Clause 19(4) – provide assistance by way of a specified dwelling (hard to lets)	SOGAs; SOGBs; SOGCs
Clause 19(6) – provide assistance by way of special needs dwelling to a special needs applicant	SOGAs; SOGBs; SOGCs
Clause 19(8) – decide if a dwelling is to be allocated by way of assistance despite an existing debt or breach of a term or condition of a tenancy agreement	SOGAs; SOGBs; SOGCs
Clause 20(3) – approve application for rental transfer	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 20(4) – decide that a transfer will enable the more efficient use of stock	SOGAs; SOGBs
Clause 21 – decide the size, type and location of dwelling to be provided	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 22(2) – enter into tenancy agreement with applicant	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clauses 22(3), (4) & (5) – decide and agree to alternative arrangements for entering into tenancy agreement	SOGAs; SOGBs; SOGCs
Clauses 23, 24 – set, review, change market rent for a dwelling; notify tenant of changed rent	<ul style="list-style-type: none"> • SOGA Position Nos: 33454, 04077; SOGB Position Nos: 17401; 27131; 10053 for set, review, change market rent for a dwelling; notify tenant of changed rent. • ASO6 Position No 00452 for setting market rent for a dwelling.
Clause 25(1) – provide a rent rebate in accordance with this provision	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s

Clause 25(2) – decide that a rent component forms part of the basic rent	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 25(5) – round rent calculation up or down	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 25(6) – decide the period for which a rent rebate is provided	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 25(7) – extend rent rebate by up to 6 months	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s; ASO 3s (who may only extend provision of a rent rebate for up to 6 weeks)
Clause 25(8) – determine date of effect of rent rebate as different from the application date by not more than 2 weeks before application date; or in particular circumstances, by more than 2 weeks before application date	<ul style="list-style-type: none"> • SOGAs; SOGBs; SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before application date; • SOGAs; SOGBs; SOGCs for a period more than 2 weeks before application date
Clause 25(9) - determine that special circumstances exist to continue a rent rebate during a tenant's unauthorised or lengthy absence (not including any subletting period)	SOGAs; SOGBs; SOGCs
Clause 26(1) – re-assess a tenant's entitlement to a rebate	SOGAs; SOGBs; SOGCs; ASO6s
Clause 26(2) – notify tenant of assessment date	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s
Clause 26(3) – ask existing rent rebate recipient to provide further information	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 26(5) – suspend, amend, or revoke provision of rent rebate	SOGAs; SOGBs; SOGCs; ASO6s
Clause 26(6) - determine date of effect of rent rebate as different from the assessment date by not more than 2 weeks before notification date; or in particular circumstances, by more than 2 weeks before notification date	<ul style="list-style-type: none"> • SOGAs; SOGBs; SOGCs; ASO6s; ASO5s for a period not more than 2 weeks before notification date; • SOGAs; SOGBs; SOGCs for a period more than 2 weeks before notification date
Clause 27 – give commencement rebate assistance equivalent to initial rent	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 29 – ask for further information	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 29A – require a tenant to provide stated information	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 29B(1) – periodically review housing assistance being provided to a tenant	SOGAs; SOGBs;
Clause 29B(2) – following review decide to withdraw assistance and terminate the tenancy subject to Residential Tenancies Act	SOGAs; SOGBs
Clause 30(2) – give written notice of decision	SOGAs; SOGBs; SOGCs; ASO6s; ASO5s; ASO4s
Clause 31(2) – extend period to request review	SOGAs; SOGBs; SOGCs; ASO6s
Clause 31(4) – review a decision seeking advice of advisory committee as appropriate	SOGAs; SOGBs; SOGCs; ASO6s
Clause 31(5) – give written notice of decision	SOGAs; SOGBs; SOGCs; ASO6s

**ADDENDUM TO SCHEDULE
DETAILS OF POSITIONS REFERRED TO IN SCHEDULE**

COMMUNITY SERVICES DIRECTORATE

Deputy Director-General

Housing and Community Services

Executive Director

Senior Director / Chief Operating Officer

Director Business and Capital

Senior Officer Grade A (SOGA) Housing and Community Services

All positions at this level

Senior Officer Grade B (SOGB) Housing and Community Services

All positions at this level

Senior Officer Grade C (SOGC) Housing and Community Services

All positions at this level, other than Community Facilities Branch officers.

Administrative Services Officer Class 6 (ASO6) (Housing and Community Services)

All positions at this level

Administrative Services Officer Class 5 (ASO5) (Housing and Community Services)

All positions at this level

Administrative Services Officer Class 4 (ASO4) (Housing and Community Services)

All positions at this level

Administrative Services Officer Class 3 (ASO3) (Housing and Community Services)

All positions at this level