

Housing Assistance (Affordable and Community Housing Providers) Monitoring Guidelines 2009 (No 1)

Disallowable instrument DI2009–216

made under the

Housing Assistance Act 2007, s 25K (Affordable and community housing providers – monitoring guidelines)

1 Name of instrument

This instrument is the *Housing Assistance (Affordable and Community Housing Providers) Monitoring Guidelines 2009 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Object

The object of this guideline is to provide a structure for monitoring the operation of affordable and community housing providers for compliance with the eligibility criteria for their registration.

4 Application

Affordable housing providers and community housing providers must comply with these guidelines.

5 Interpretation

In this instrument;

‘the Act’ means the *Housing Assistance Act 2007*.

Note 1 The Act contains definitions that apply to this guideline, including definitions of the following terms:

- affordable housing;

- community housing;
- housing;
- housing commissioner;
- housing provider; and
- information.

6 Monitoring Process

The housing commissioner will monitor the operations of housing providers to ensure compliance with eligibility criteria by:

- (a) requiring each housing provider to submit an annual report to the housing commissioner, in accordance with section 25N of the Act;
- (b) monitoring the risk management plan of affordable housing providers; and
- (c) may engage in discussions and meetings with housing providers.

7 Change in housing provider's circumstances

- (1) Housing providers must inform the housing commissioner in writing of any circumstances which may affect the provider's compliance with the eligibility criteria for their registration type, as determined under section 25F or 25G of the Act.
- (2) The provider must, at least 28 days before the change to its constitution or rules, apply to the housing commissioner for approval for the change.
- (3) The commissioner will consider whether the proposed change will make the provider ineligible for registration.
- (4) Under section 25O (3) the housing commissioner must refuse to approve a change to the constitution or rules if satisfied that the change would make the provider ineligible for registration.
- (5) The housing commissioner will advise the provider in writing whether or not the change is approved.
- (6) Under section 25O (4) the housing commissioner must not unreasonably refuse to give approval.

8 Additional information

- (1) If the housing commissioner requires additional information to monitor a housing provider's performance, the housing commissioner will, where possible, use information previously submitted by the provider or publicly available.
- (2) The housing commissioner may request additional relevant information from a housing provider in accordance with sections 25N (1) (b) and 25R (1) of the Act.

9 Consultation

- (1) Where the housing commissioner forms the view that there may be a breach of eligibility criteria, the commissioner may discuss with the provider, any areas of possible non-compliance.
- (2) Following consultation with a housing provider under subsection (1) of this section, the housing commissioner may:
 - (a) choose to subject the provider's registration to conditions, pursuant to section 25A (2) of the Act.

10 Intervention

- (1) If the housing commissioner considers that a breach cannot be remedied in an appropriate timeframe, the housing commissioner may propose formal intervention, in accordance with section 25S of the Act and the intervention guidelines made under that section.

Martin Hehir
Commissioner for Social Housing
30 September 2009