

Housing Assistance (Review of Entitlement to Housing Assistance) Determination 2023 (No 1)

Disallowable instrument DI2023–94

made under the

Housing Assistance Act 2007 s 20 (1) (Approved housing assistance programs—determinations)

1 Name of instrument

This instrument is the *Housing Assistance (Review of Entitlement to Housing Assistance) Determination 2023 (No 1)*.

2 Commencement

This instrument commences the day after notification.

3 Determination

I determine that, in accordance with clause 31 of the *Housing Assistance (Public Rental Housing Assistance) Program 2023 (No 1)* (the **Program**), the housing commissioner may decide a tenant is no longer entitled to receive housing assistance where the household income of the tenant, or tenant and domestic partner as applicable (the entities), is greater than \$103,582.49 in each of the two consecutive financial years considered in the review context.

In addition to the above threshold, the housing commissioner may take the following matters into account when assessing the ongoing entitlement of a tenant to receive housing assistance:

- with respect to the dwelling occupied, whether the tenant is entitled to receive, or continues to be entitled to receive, assistance by way of a rent rebate;
- the combined value of the assets of the entities;
- whether either entity has an interest in residential real property in Australia;

- whether their current financial situation is likely to be reasonably sustainable for the foreseeable future having regard to matters such as age, general health, disability, family and/or carer responsibilities, employment, and social factors;
- whether the size, location, and amenity of the dwelling they occupy is consistent with the needs of their current household; and
- their capacity to obtain appropriate and affordable housing.

The housing commissioner may decide that a tenant is no longer eligible for housing assistance where a tenant has been absent from a dwelling for a period of 6 months or more.

When reviewing eligibility for housing assistance when the tenant is absent from the dwelling for 6 months or longer, the housing commissioner may consider –

- whether the tenant has notified the housing commissioner of their intention to be absent from the dwelling for 6 months or longer and the reason for the absence;
- whether the tenant is likely to want or need to return to the dwelling in the near future;
- the history and length of the tenancy;
- the needs categories of the tenant including whether the applicant is a special needs applicant;
- whether the tenant has arranged for the dwelling to be maintained in their absence;
- whether the tenant has continued to pay rent under a tenancy agreement;
- if the dwelling is vacant during the tenant's absence;
- the impacts on other residents or occupants of the dwelling (for example children of the tenant);
- the financial impacts on the tenant; and
- any cultural considerations or kinship arrangements of the tenant.

The housing commissioner may also consider its ability to fulfill its functions and objectives under the *Housing Assistance Act 2007*, including:

- the public interests in the efficient management and availability of public housing stock for people on the public housing wait list; and
- the need for the housing commissioner to ensure its dwellings are secured and maintained during a tenant(s) absence; and
- the financial impacts on the housing commissioner should the dwelling remain vacant.

The housing commissioner may decide upon review of a tenant's entitlement of housing assistance under clause 31 of the Program, to cancel or withdraw housing assistance. When a tenant is no longer able to ask for a review of the housing commissioner's decision under the Program, the housing commissioner may seek to issue a Notice to Vacate under the *Residential Tenancies Act 1997*.

4 Revocation

This instrument revokes *Housing Assistance Public Rental Housing Assistance Program (Review of entitlement to housing assistance) Determination 2020 (No 1)* [NI2020–658].

Catherine Rule
Commissioner for Social Housing

30 May 2023