

# Housing Assistance Rental Bonds Housing Assistance Program 2007 (No 1)

## Disallowable instrument DI2007-266

made under the

*Housing Assistance Act, 2007, s 19 (1) (housing assistance programs)*

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## EXPLANATORY STATEMENT

Housing assistance programs reflect the policy framework for the provision of public housing in the ACT.

The Housing Assistance Act 2007 provides for the Minister to approve housing assistance programs. An approved housing assistance program is a disallowable instrument.

Such programs are required to include the kind of assistance that may be provided, the eligibility criteria, and how decisions of the commissioner for social housing (the housing commissioner) under the program may be reviewed.

The *Housing Assistance Rental Bonds Housing Assistance Program 2007 (No 1)* replaces the *Housing Assistance Rental Bonds Housing Assistance Program 2005 (No 1)(DI2005 –280)* being one of a series of programs that have operated under the Housing Assistance Act 1987.

Following is an outline of the provisions of the program:

Clause	Provision
1 and 2	Name of instrument and commencement date specified.
3	Object of the program specified.
4	Provides definitions relating to the program.
5 and 6	Provides for the housing commissioner to make determinations and housing operation guidelines in accordance with the Act. These are notifiable instruments.
7	Specifies the arrangements under which rental bond assistance may be provided to an eligible applicant. Supplementary assistance in the form of a \$100 grant to assist with the cost of establishing a new tenancy is also available to an applicant who receives rental bond assistance.
8	Specifies the arrangements for making an application for assistance under the program.
9	Specifies the eligibility criteria for rental bond assistance.

10	Provides a discretion in the case of otherwise unresolvable severe hardship for the housing commissioner to disregard any of the eligibility criteria for rental housing assistance specified at clause 9, except for the age criterion of 16 years. The specific circumstances of the case must be sufficient to set aside the established intent of the program in relation to satisfying the eligibility criteria in clause 9.
11	Provides a broad definition of income for the purposes of the program, including personal earnings, profits or other amounts which an applicant may have earned, derived, received or become entitled to, including periodical payments or benefits by way of gift or allowance. Also included as income are entitlements forgone as part of salary packaging or other arrangement. The housing commissioner may determine particular types of income or amounts expended by persons for particular purposes do not constitute income for the program. The housing commissioner is also given the power to deem that particular applicants will be receiving an amount equivalent to a relevant pension or benefit where their stated income is less than that pension or benefit.
12	Specifies the options available to the housing commissioner as to how the weekly income of an applicant may be worked out for the purpose of the program at the date of application. These arrangements seek to provide for a range of circumstances including those relating to a person, such as a recent retiree, for whom it may be unfair to assess eligibility on past income patterns. The housing commissioner may choose to disregard the greater of the total amounts calculated in accordance with this clause.
13	Specifies that an applicant must notify the housing commissioner within 7 days about relevant changes in their circumstances that lead to the termination of their tenancy agreement or their permanent vacation of the dwelling. Action available to the housing commissioner under the loan agreement relating to the bond assistance is also specified.
14	Specifies that the housing commissioner may ask an applicant to provide further information in connection with an application for rental bond assistance. Failure to provide the information requested may lead to the refusal of an application as provided for in Section 24 or 25 of the Housing Assistance Act 2007.
15	Specifies the decisions of the housing commissioner that are <i>reviewable decisions</i> and requires the housing commissioner to give an applicant written notice of a decision within 28 days after it is made. The notice must state the arrangements for seeking a review of the decision.
16, 17	Specifies the process for the review of <i>reviewable decisions</i> .
18	Specifies the arrangements for approved forms.
19	Repeals the previous program.