

Housing Assistance Public Rental Housing Assistance Program 2010 (No 1)

Disallowable instrument DI2010-189

made under the

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

EXPLANATORY STATEMENT

Background

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

The *Housing Assistance Act 2007* (**the Act**) 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 (**housing commissioner**) under the program may be reviewed.

The *Housing Assistance Public Rental Housing Assistance Program 2010 (No 1)* (the new program) replaces the *Housing Assistance Public Rental Housing Assistance Program 2008 (No 1)* (DI2008-112) (the old program).

In line with commitments under the ACT Implementation Plan for the National Partnership Agreement on Homelessness and the Nation Building and Jobs Plan, action has been taken to establish a shared applicant list comprising both public housing applicants and community housing applicants. This will provide a central access point for seeking social housing assistance.

Program amendments

The *Housing Assistance Public Rental Housing Assistance Program* has been modified to provide for the expansion of the current applicant register to accommodate community applicants seeking housing assistance through a community housing provider, in addition to public housing applicants.

The role of the housing commissioner under the modified program will be to facilitate the provision of community rental housing assistance by community housing

providers. Under this scheme, community housing applicants will apply to the housing commissioner for the facilitation of community rental housing assistance. They will be placed on the applicant register on an equivalent basis to public housing applicants and will be offered community rental housing assistance by a housing provider when a suitable community dwelling becomes available.

Community housing applicants will be subject to similar eligibility criteria as public housing applicants with some flexibility to apply modified criteria to address the requirements of the community housing programs. Community applicants will be assigned a needs category in accordance with their assessed needs relative to the needs of other public and community applicants.

Specific Program changes

Following is an outline of the main changes to the Program:

Clause 3 Object of program

The Object has been expanded to include facilitating the provision of community rental housing assistance (including affordable housing assistance).

A *Note* under this provision specifies that “The housing commissioner’s role under this program in relation to community applicants is limited to facilitating the orderly provision of community rental housing assistance by housing providers”.

Clause 4 Interpretation

New definitions relevant to the program changes have been provided and are self-explanatory. These include:

- expansion of the definition of *application* to include facilitation of community rental housing assistance;
- *affordable housing assistance*;
- *community applicant*;
- *community rental housing assistance*; and
- *eligible community applicant*.

The definitions of *applicant* and *eligible applicant* have been modified to distinguish between public housing and community applicants.

Clause 5 Kinds of assistance

This clause has been expanded to include *facilitation of community rental housing assistance*.

Clause 8 Application for assistance

This clause has been modified to provide for the housing commissioner’s expanded role in relation to community applicants.

Clause 8A Community Rental Housing Assistance – General Provision

This new provision specifies in detail how *facilitation of community rental housing assistance* will operate under the Program and how this relates to existing clauses 9 to 17 and clauses 5 and 18(3) of the Program. In particular, it specifies that a reference to this new form of assistance relates to the provision of the names of community applicants to (community) housing providers.

The housing provider's role is to provide community rental housing assistance to eligible community applicants.

Additionally subclause 8A(4) makes it clear that the housing commissioner is not required to provide specified forms of assistance to community applicants unless they are also eligible applicants for public rental housing assistance.

Clause 9 Eligibility criteria for assistance

New subclause 9(1B) enables the housing commissioner to determine eligibility criteria for community applicants different from those specified in clause 9(1) for applicants more generally; and to determine that specified general eligibility criteria do not apply to community applicants.

Clause 18 Provision of rental housing assistance

This existing provision has been expanded to include references to facilitation of community rental housing assistance and to add new subclause (7) to make it clear that an application for rental housing assistance is to be removed from the applicant list register after assistance is provided (unless there are good reasons not to do so).

Clause 29 Further information

This existing provision has been expanded to include references to community applicants and facilitation of community rental housing assistance and is self-explanatory.

Clause 30 Notice of reviewable decision

This existing provision has been extended to include decisions relating to facilitation of community rental housing assistance.

Clause 31 Review of decision

This provision has been updated to replace references to the Administrative Appeals Tribunal with references to the ACT Civil and Administrative Tribunal (ACAT) and to address the ACAT requirements. Additionally a reference to the housing commissioner's internal review committee has been included.

Clause 32 ACAT review

This provision specifies the arrangements for seeking ACAT review of decisions.

Clause 34 Repeal and Transitional

This clause provides for repeal of the Program being amended, and specifies the transitional provisions and is self-explanatory.