

# Housing Assistance Public Rental Housing Assistance Program 2013 (No 1)

Disallowable instrument DI2013-52

made under the

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

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## 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 2013 (No 1)* (the new program) replaces the *Housing Assistance Public Rental Housing Assistance Program 2010 (No 1)* (DI2010-189) (the old program).

### Program amendments

The *Housing Assistance Public Rental Housing Assistance Program* provides for the review of housing assistance in section 25 of the *Housing Assistance Act 2007*. Section 25 provides a broad framework for the review of housing assistance to existing tenants, including their ongoing eligibility.

An amendment of the Public Rental Housing Assistance Program has been made to specify and to provide clarity that, as a consequence of review under section 25, the housing commissioner may withdraw rental housing assistance and terminate the tenancy, subject to the requirements of the *Residential Tenancies Act 1997*.

### Specific Program changes

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

#### **Clause 4 Interpretation**

The definition of *household* has been modified to enable implementation of innovative housing solutions for people with a disability or other special housing and support needs. This change enables some non-tenant residents of these housing models to be excluded from the household in terms of rent setting.

#### **Clause 29A Requirement for further information**

This is a new clause which reflects section 25 of the Act in relation to the housing commissioner's power to require an existing tenant to provide specified information that is needed to undertake a review of housing assistance being provided.

#### **Clause 29B Review of entitlement**

This new clause clarifies section 25 of the Act and that as a consequence of the review of ongoing housing assistance, the housing commissioner may withdraw housing assistance and terminate the tenancy in accordance with the *Residential Tenancies Act 1997*.

#### **Clause 30 Notice of reviewable decision**

Subclause 30 (1) (a) has been amended to be in line with the review provisions of the Housing Assistance Act. This change determines that decisions arising as a result of a review of ongoing entitlement to a public housing tenancy under section 25 are reviewable.

Subclause 30 (4) has also been expanded to provide for an exception to the principle that a decision to terminate a tenancy is not a reviewable decision. The exception relates to a termination decision arising from a review of entitlement under section 25 of the Act and clause 29B of the Program.

#### **Clause 34 Repeal and Transitional**

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