

Housing Assistance Public Rental Housing Assistance Program (Working out weekly income) Operation Guideline 2008 (No 1)

Notifiable Instrument NI2008- 173

made under the

Housing Assistance Act 2007 s21(1) Approved housing assistance programs—housing operation guidelines

1 Name of instrument

This instrument is the Housing Assistance Public Rental Housing Assistance Program (Working out weekly income) Operation Guideline 2008 (No 1).

2 Commencement

This instrument commences on the day after its notification.

3 *Operation Guideline*

In accordance with section 21(1) of the *Housing Assistance Act 2007* I issue this housing operation guideline for the *Housing Assistance Public Rental Housing Assistance Program 2007* ("the Program").

Purpose

To provide guidance in determining a tenant's weekly income for the purposes of the program and to permit the housing commissioner to respond equitably to the individual circumstances of the applicant.

Relevant provision of the Program

Clause 12 – Working out weekly income

1. Clause 12 specifies:

- (1) *For this program, the weekly income of an applicant in relation to a relevant assessment date, is the greater of—*
 - (a) *the person's gross income for the week immediately before the assessment date;*
 - and*
 - (b) *the average gross weekly income of the person—*

- (i) *in the 26-week period immediately before the assessment date; or*
 - (ii) *another period decided by the housing commissioner as appropriate in the circumstances of the application.*
- (2) *However, the housing commissioner may disregard the total amount determined for either subclause (1)(a) or (b) if the housing commissioner considers it is appropriate in the circumstances of the application.*

Working out the appropriate weekly income

2. The usual practice is to base a person's income eligibility on their gross current income or their average weekly income over 26 weeks, whichever is the greater. However, if the person has particular circumstances which would make this arrangement unfair, this provision provides flexibility to disregard current or average income, as appropriate.
3. Examples where this might be appropriate include:
 - where a person has just retired from the workforce and is now receiving a Centrelink age pension, the housing commissioner could decide that, as the age pension was now the applicant's ongoing income, it should be used for the purpose of assessment even though it was less than the person's average weekly income over the previous 26 weeks; and
 - where a wage earner has been receiving ongoing overtime over the previous 26 weeks and a letter from the person's employer confirmed that overtime would no longer be available, the ongoing income (without the overtime) could be used.
4. Subclause 12(2) specifies that "the housing commissioner may disregard the total amount determined for either subclause 1(a) or 1(b)." It should not be taken to mean that individual components of either amount may be disregarded.

Existing applicants

5. Where the eligibility of an existing applicant whose application has previously been assessed and placed on the register is being reviewed under clause 14, their income would be reassessed as at the date of the review (the relevant assessment date) and the applicant would be required to provide proof of current income.

General provisions

Further information

6. If the applicant provides additional information which may further establish their need to be considered as an eligible applicant, the application can be reassessed.

False or misleading information

7. Under the Program an applicant is not eligible for assistance if the application is false or misleading in any material way or if an applicant has arranged his or her financial affairs to obtain assistance under the Program.

Review

8. A decision made under clause 12 of the Program is a reviewable decision in terms of clause 30 of the Program.
9. *Any reference to "Housing ACT" in an operation guideline is a reference to Housing ACT being a section of the Department of Disability, Housing and Community Services representing the housing commissioner.*

Dated this 24th day of April 2008

Sandra Lambert
Commissioner for Social Housing