

Housing Assistance Public Rental Housing Assistance Program (Rental housing assistance – Reassessment of eligibility and needs category) Operation Guideline 2012 (No 1)

Notifiable Instrument NI2012 - 256

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 (Rental housing assistance – Reassessment of eligibility and needs category) Operation Guideline 2012 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Revocation

I REVOKE NI2008-174 notified on 22 May 2008.

4 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 2010* ("the Program").

Purpose

To provide guidance on the procedure to be adopted when an applicant's application is reassessed before the provision of rental housing assistance.

Relevant provision of the Program

Clause 14 – Rental housing assistance – Reassessment of eligibility and needs category

1. Clause 14 provides that the housing commissioner may, at any time before the provision of rental housing assistance, reassess an application for rental housing assistance. An applicant may be asked to provide further information for the reassessment to be undertaken and the applicant must provide the information in line with the provisions of sections 24(3) or 25(2) of the *Housing Assistance Act 2007*. The applicant must also be notified in writing of the assessment date relevant to the reassessment in accordance with subclause 14(2).
2. Following the reassessment the housing commissioner may:
 - (a) confirm that the applicant continues to satisfy the eligibility criteria and may remain on the register;
 - (b) change the needs category of the applicant and vary the register to acknowledge this change;
 - (c) remove the applicant's name from the register if the applicant no longer satisfies one or more of the eligibility criteria.
3. The housing commissioner may also change the needs category given to an application if the applicant seeks a change to the needs category. The applicant is not required to apply for a reassessment in writing but must be able to show that their current circumstances justify such a change. Where the actions of an applicant such as the provision of additional information indicate that they want their needs category to be reassessed, such a reassessment should be undertaken and the applicant informed in writing of the outcome.

Retention of registration date

4. Where an applicant's name is removed from the register as specified at subclause 2(c) above successfully appeals the decision they will retain their original registration date. However, if the person who was removed as specified at subclause 2(c) subsequently makes a fresh application their registration date would be based on the date of their new application.
5. Where the applicant's needs category is changed the application will retain the original registration date. In this regard reference should be made to subclause 16(3) which requires an applicant's name to be moved on the register to reflect their changed needs category.

6. Subclause 14(5) also provides for the applicant to request a change to their needs category. Again, where the needs category is changed as a result of a reassessment, the applicant would retain their original registration date.

What is a reassessment?

7. A reassessment is a process where, for example:
 - additional information is requested to determine if the applicant meets the eligibility criteria; and/or
 - an applicant lodges new information, or information reflecting a change of circumstances.

It involves a reconsideration of the applicant's application by an officer of a higher level than the original decision-maker, and who did not take part in the original decision.

Prior to undertaking a reassessment officers should refer to the Delegations under the Public Rental Housing Assistance Program to ensure they have the appropriate delegation.

What does the officer undertaking the reassessment take into account

8. The officer undertaking the reassessment will:
 - determine if the additional/new information (if applicable) is relevant and if it affects the original decision;
 - determine if the change in the applicant's circumstances (if applicable) affects the original decision; and
 - identify any discrepancies in the initial assessment and make a recommendation to rectify the discrepancies if/where necessary.

Outcome of decision

9. Once the reassessment has been completed the officer will write to the applicant advising them of the decision. The following information is to be included in the letter:
 - the reasons why the decision was made;
 - what circumstances were taken into account when making the decision;
 - the relevant legislation and policies that influenced the decision; and
 - the relevant information about review rights, where the applicant may have been disadvantaged by the decision.

Decision-making process

10. Each reassessment must be considered on its merits in an impartial and unbiased manner. Where applicable, the onus is on the applicant to provide additional information which demonstrates that their

circumstances warrant further consideration by the housing commissioner.

General provisions

Further information

11. 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

- 12 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

13. A decision made under clause 14 of the Program is a reviewable decision in terms of clause 30 of the Program.
14. *Any reference to "Housing ACT" in an operation guideline is a reference to Housing ACT being a section of the Community Services Directorate representing the housing commissioner.*

Dated this 4th day of May 2012

Natalie Howson
Commissioner for Social Housing