



## Factsheet 6: Housing ACT's Domestic and Family Violence Policy Manual

### 1. Introduction

Housing ACT have policies that apply to people experiencing domestic and family violence. These policies are contained in the *Domestic and Family Violence Policy Manual*. This factsheet explains the policies in the Domestic Violence Policy Manual.

### 2. Providing evidence of domestic violence

Housing ACT define domestic violence as:

- Physical abuse
- Sexual abuse
- Psychological or emotional abuse
- Financial abuse
- Social control or isolation
- Stalking
- Intimidation or harassment.

The Domestic Violence Policy Manual says that to show that you are experiencing domestic violence, you generally need to provide:

ONE of the following documents:

- A current DVO from any Australian State or Territory
- A letter from
  - The police
  - Office for Children, Youth and Family Support
  - DVCS
  - Canberra Rape Crisis Centre
  - YWCA
  - A recognised domestic violence/homelessness shelter.

**OR**

TWO letters from a:

- Solicitor
- Community or government support worker
- Social worker
- Doctor

- Psychologist
- GP
- Drug and alcohol service.

### 3. Applying for public housing

To qualify for public housing, you generally need to meet the income and residency requirements. Some of the eligibility requirements apply differently if you are experiencing domestic violence:

**Requirement: you must be living in the ACT for at least the previous 6 months**

- If you can show that you have a reason to come into the ACT, then this requirement may be set aside.

**Requirement: you must be an Australian citizen, permanent resident, Special Category visa holder, or Temporary Protection Visa holder**

- you are a sponsored migrant, but your sponsorship has broken down because of domestic violence, AND you have been granted a Centrelink payment, then this requirement may be set aside.

**Requirement: You must have no interest in residential real estate property**

- If the property is tied up in a settlement dispute or you can't access the property because of the domestic violence, then this requirement may be set aside.

### 4. Getting a transfer because of domestic violence

If you are experiencing domestic violence and your safety is at risk, Housing ACT may put you on the Priority Transfer list (the list for the most urgent cases). Housing ACT will consider your needs when deciding which area to transfer you to.

If you need a transfer because of domestic violence and you have a debt with Housing ACT, Housing ACT will not prevent you from transferring, although they may require that you work with support services to start repaying it.

## 5. Staying in your property while experiencing domestic violence

If you choose to stay in your property and the perpetrator of the domestic violence has left the property because

- There is an order from the Magistrates Court; or
- They have made an undertaking to the Magistrates Court.

Housing ACT will work with you to make an application to the ACT Civil and Administrative Tribunal to have the tenancy transferred into your name.

If the perpetrator of domestic violence has agreed to leave but the Magistrates Court is not involved, then you can apply to Housing ACT to have the tenancy transferred into your name.

## 6. How Housing ACT deal with debt you incurred because of domestic violence

If you have a debt, the Housing ACT Domestic and Family Violence Policy Manual outlines two procedures that you can use to have the debt removed.

### **Getting Debt Waived**

The debt may be waived by applying to the ACT Treasury Department if:

- where domestic violence was part of the reason why you incurred the debt; AND
- where repayment of that debt will cause undue hardship.

In practice, this process is extremely slow and may not be successful.

### **Getting Tenant Responsible Maintenance (Repairs) Debt Removed**

Where you have a debt because of damage to the property caused by domestic violence, Housing ACT will remove the debt from your account. You will need to show that the damage was caused by domestic violence.

## Disclaimer

This factsheet contains general information available at the time of publication. It does not constitute legal advice. If you have a specific legal problem please contact Canberra Community Law's advice line on 02 6218 7900.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.