



Factsheet 22: Housing ACT's Growing and Renewing Public Housing Program

What is Housing ACT's Growing and Renewing Public Housing Program?

The Growing and Renewing Public Housing Program ('the Growing and Renewing Program') is an ACT Government program that identifies public housing properties to sell or redevelop, to raise revenue for new public housing stock. The ACT Government has identified certain properties to sell or redevelop under the Program. Housing ACT will tell you if your property has been included in this Program.

Until earlier this year, this was a voluntary program. If your property was identified by the Growing and Renewing Program you could agree, or disagree, to your home being sold or redeveloped.

Now, the ACT Government is saying that tenants living in properties which have been identified for sale or redevelopment will be **required** to relocate to another Housing ACT property.

Housing ACT may ask that you sign some documents in relation to this Program. You should immediately seek legal advice before signing any documents.

How to Read this Factsheet

This factsheet is divided into two sections:

Section 1: I do not want to move to another home. Do I have to?

Section 2: If I agree to move, what can I expect?

Section 1: I do not want to move to another home. Do I have to?

Do you have to move to another home?

If you do not want to move, you can ask Housing ACT to let you remain in your home. You have a right to apply for an exemption if you do not wish to relocate.

If you are granted an exemption, Housing ACT may decide to put off selling or re-developing your home so that you can continue to live there.

Applying for an Exemption

If you intend to apply for an exemption, we recommend that you notify the Housing ACT Tenant Relocation team.

Housing ACT have put together a FACT SHEET titled "Tenant Relocation Exemption Fact Sheet". You should contact your tenant relocation officer and ask for a copy of this Fact Sheet if one has not been provided to you already.

To apply for an exemption, you need to complete Housing ACT's Application for Exemption form. You can request this form from your Tenant Relocation Officer

Complete all questions on the application form as fully as possible. You can also attach any supporting documentation which explain your circumstances, why you should not be forced to relocate and how a forced relocation will impact on you. This could include letters from treating professionals such as a GP, social worker, psychologists, or community organisations.

Housing ACT's Application for Exemption Form, asks you to explain how the following applies to **you and any members of your household**:

- **Exceptional Need** – What are the exceptional circumstances that you will experience if forced to relocate?
- **Substantial risk of significant harm** – What are the risks if you are required to relocate? Will relocating cause significant harm to health, mental health, wellbeing, identity, independence and/or quality of life?
- **Older Age** – How will your age impact on your ability to relocate?
- **Health considerations**: Do you have any health conditions that may be impacted or worsened by relocation? For example, mental illness, chronic or terminal illness or a disability.

Housing ACT's Application for Exemption Form also asks whether there are any other additional considerations and comments that you would like to be considered. In answering this question, it is important to address the following factors if they are relevant to you:

- **Whether it would be unsafe for you to relocate** – for example, due to suicidal ideation and/or culturally inappropriate to move and/or where a move may trigger the effects of trauma.
- **Impact and proximity to your supports** – How relocation will impact on your family, health services, carers, social supports and other key services and relationships that are important to you.
- **How your current property meets your needs and any additional challenges that you would face moving to another property**
- **Impact to older tenants** – tenants aged 80+ and to Aboriginal and Torres Strait Islander tenants aged 70+.
- **Property underutilisation** – if your property is underutilised (that means if you are living in a property with 2 or more bedrooms over your entitlement) and any additional reasons for why you should be allowed to stay.

Contact us at Canberra Community Law to seek further advice about the application form and the exemption process.

Canberra Community Law can:

- provide you with legal advice specific to your circumstances;
- advise you on the supporting documentation that you should obtain to support your application; and
- assist you to apply for an exemption.

Our phone number is (02) 6218 7900.

Our legal assistance is free.

You can submit your Application for an Exemption and any supporting documentation by:

- Emailing the application to growthandrenewalrelocations@act.gov.au
- Posting the application to Housing ACT at Locked Bag 3000, Belconnen ACT 2617
- Returning the application to your Tenant Relocation Officer

It is very important that you keep a copy of your application and supporting documents for your own records. We recommend that you send your application by email so that you have proof of lodgment. If you hand your application to your Tenant Relocation Officer, we recommend that you ask them to copy it and provide you with a date stamped copy as proof of lodgment.

The Tenant Relocation Exemption Panel (the panel)

Your application for exemption will be considered by a panel called the Tenant Relocation Exemption Panel (the panel). The panel is made up of representatives from community service organisations and Housing ACT.

In deciding your application for exemption, the Tenant Relocation Exemption Panel is legally bound by the *Human Rights Act 2004*.

Relevantly, rights protected include:

- the right not to have your home and family interfered with unlawfully or arbitrarily; and
- the rights of Aboriginal and Torres Strait Islander people.

Housing ACT's Application for Exemption form asks you whether you want to attend the panel meeting or nominate a representative to attend on your behalf. Please note that your attendance at the panel is entirely optional.

You will usually receive a decision from the panel within 14 business days of your panel meeting. Housing ACT has stated that the decision will be in writing and will include reasons for decision.

What will happen if the application for exemption IS granted?

If your application for exemption is granted you will not be required to relocate under the Growing and Renewing Public Housing program.

What will happen if your application for exemption is NOT granted?

You should immediately seek legal advice. If your exemption is refused, we can provide you with further legal advice. The decision made by the panel is not subject to merits review. This means it cannot be appealed the way some decisions can be. Housing ACT has stated that an application for exemption will only be reconsidered if it is provided with new information that has not previously been considered.

If you would like our assistance, please contact us on (02) 6218 7900 and provide us with a copy of the decision.

You should also write to the Tenant Relocation Team requesting reasons for the decision to include your property in the Growing and Renewing Public Housing Program. Canberra Community Law can provide you with a template letter to assist you to make this request.

What else can I do?

1. ACT Housing Minister Responsible for the Growing and Renewing Program

You can write to the ACT Housing Minister Responsible for the Growing and Renewing Program raising your concerns:

Minister Yvette Berry

Email: berry@act.gov.au

Telephone: (02) 6205 0233

Postal Address: GPO Box 1020,
Canberra ACT 2601

You can also write to Minister Rebecca Vassarotti, Minister for Homelessness and Housing Services.

Email: vassarotti@act.gov.au

Telephone: (02) 6207 8975

2. ACT Human Rights Commission

You can contact the ACT Human Rights Commission if you believe that you have been discriminated against.

If you wish to make a complaint, you can contact the ACT Human Rights Commission on 02 6205 2222 or HRCIntake@act.gov.au.

3. ACT Ombudsman

You can make a complaint to the ACT Ombudsman about how the Growing and Renewing Program is being administered by Housing ACT and its impact on you.

You can phone them on (02) 6276 3773 or use their online form to make a complaint at <https://www.ombudsman.act.gov.au/contact-us>

4. Local Federal Member of Parliament

You can write to your local Federal Member of Parliament asking that they contact the Housing ACT Minister, Ms Yvette Berry on your behalf and advocate for you to be able to remain in your home. You should keep your letter simple and outline in summary form your concerns about the Growing and Renewing Program and why you do not want to move.

There are currently three Federal Electorates in the ACT.

You can find your federal electorate at <https://electorate.aec.gov.au/> by typing in your postcode.

There is also a handy Federal Electorate finder table and list of Senators at the end of this factsheet.

What may happen if I refuse to relocate?

Housing ACT has advised that if a tenant refuses to relocate they will take steps to end their tenancy as a '*pathway of last resort*'. This would mean issuing you with a Notice To Vacate and asking the ACT Civil and Administrative Tribunal (ACAT) to make an order evicting you from your property. You should contact Canberra Community Law if you receive any written correspondence from Housing ACT which asks you to vacate your home.

IF YOU ARE THREATENED WITH EVICTION, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE

1. If Housing ACT intends to sell or redevelop your home

Housing ACT can give you a Notice to Vacate if Housing ACT genuinely intends:

- to sell your home, or
- to reconstruct, renovate or make major repairs to your home that cannot be reasonably carried out while you are living there.

A Notice to Vacate tells you to vacate by the end of the period given (i.e. it will specify a date).

If the reason for the Notice to Vacate is that Housing ACT intends to sell your home, the Notice must give you a minimum of 8 weeks' notice.

If the reason for the Notice to Vacate is that Housing ACT intends to redevelop your home, the Notice must give you a minimum of 12 weeks' notice.

The Notice to Vacate must include the reason why Housing ACT is giving you the notice.

2. If Housing ACT says your home is unsafe

Housing ACT can also end your tenancy if your home is not fit for habitation. This could be because it is unsafe, or the conditions are so bad that it is inappropriate for you to live there. Housing ACT must give 1 weeks' notice of termination of the tenancy, and you are not liable for rent from the date that the premises are uninhabitable.

A NOTICE TO VACATE DOES NOT END YOUR TENANCY AND YOU DO NOT HAVE TO MOVE OUT IMMEDIATELY

Canberra Community Law can provide you with free legal advice if you are threatened with eviction.

Our phone number is (02) 6218 7922.

Does Housing ACT still have to complete repairs on my home?

Housing ACT has a responsibility to maintain your home in a reasonable state of repair right until the end of your tenancy. For the duration of your tenancy, Housing ACT must make sure that your property (including any yard) is:

- Fit for you to live in;
- Reasonably clean;
- In a reasonable state of repair; and
- Reasonably secure.

However, Housing ACT is not required to make new additions or improvements to the property. For example, while Housing ACT may be responsible for fixing damage to a shed on the property (a repair) it is not required to erect a new shed if the property did not already have a shed (an improvement).

Section 2: If I agree to move, what can I expect?

Does Housing ACT have to offer me another property?

No. However, Housing ACT says you will be offered an alternative public housing property that suits your needs and public housing entitlement. Housing ACT will allocate a Tenant Reallocation Officer to work with you.

If I agree to move, how many offers will I get?

Housing ACT does not have to make you multiple offers. However, in practice, Housing ACT is likely to offer you at least two properties to help find you a new home that suits you.

If you have specific housing needs, it is very important that you tell Housing ACT in writing what they are and provide any supporting documents, for example, a letter from a doctor.

Housing ACT has stated that it is committed, where possible, to supporting tenants to relocate within their existing community if that is asked for.

If I move, will my rent go up?

If you have been granted a rental rebate, the rent you pay is equal to a percentage of your weekly household income. This means your rent will not change if you move to a new public housing property.

If you are not eligible for a rental rebate, the rent you pay is the market rent for the property. If Housing ACT offers you a new property, your Tenant Relocation Officer should tell you if the rent for the new property is more than you are currently paying.

If I agree to move, will my new house be better than my current house?

Housing ACT says that a Tenant Relocation Officer will work with you on your individual needs to find a home that best suits those needs.

You may not be offered a new property however the property offered should not be in worse condition than your current property.

Will Housing ACT help me to move house?

Housing ACT says that they will provide financial assistance of up to \$1750 for relocation costs which may include:

- utility connection fees (electricity, gas, water),
- reconnection to existing services (telephone and internet), or
- reasonable removalists expenses.

Housing ACT has also stated that they may provide other types of support to help you to move house and settle into your new home, including:

- arranging for you and any support person to inspect your new home in person,
- providing a skip bin if you need one, or
- working with supports you have in place or new supports to make sure you can stay connected throughout the move and afterwards.

Tenant Relocation Officers can also contact a removalist directly on your behalf to organise your move date if you would like them to.

Housing ACT will generally not assist with packing and unpacking.

My house is old or in need of repairs and I would like to move. Can I ask to be part of the Growing and Renewing Program?

Yes. You can contact the Tenant Relocation Team at Housing ACT and ask to move as part of this program. However, Housing ACT is under no obligation to place you within this program.

Access to Interpreters

The ACT Government is committed to ensuring that all Canberra residents, regardless of their background have equal access to its programs and services. It is ACT Government policy to use these professional interpreters when speaking with people who have difficult communicating in English.

You are entitled to an interpreter free of charge when dealing with an ACT Government directorate or agency (such as Housing ACT). Simply ask the staff member you are dealing with to arrange an interpreter.

Handy Federal Electorate Finder Table

Federal Electorate	Area Covered	Local Federal Member of Parliament
Bean	<p>The Division of Bean covers an area in the south of the ACT consisting of the Districts of:</p> <ul style="list-style-type: none"> • Booth, • Coree, • Cotter River, • Mount Clear, • Paddys River, • Rendezvous Creek, • Stromlo, • Tennent, • Tuggeranong, • part of Jerrabomberra, • part of Molonglo Valley, • part of Weston Creek, and • part of Woden Valley <p>The Division of Bean also includes Norfolk Island.</p>	<p>Mr David Smith, MP, Australia Labor Party</p> <p>Email: david.smith.mp@aph.gov.au</p> <p>Telephone: (02) 6293 1344</p> <p>Postal address: 205 Anketell Street, Tuggeranong, ACT, 2900</p>
Canberra	<p>The Division of Canberra covers an area in central ACT consisting of the Districts of:</p> <ul style="list-style-type: none"> • Canberra Central, • Kowen, • Majura, • part of Belconnen, • part of Jerrabomberra, • part of Molonglo Valley, • part of Weston Creek, and • part of Woden Valley 	<p>Ms Alicia Payne, MP, Labor Party</p> <p>Email: alicia.payne.mp@aph.gov.au</p> <p>Telephone: (02) 6247 8475</p> <p>Postal Address: 221 London Circuit, Canberra, ACT 2601</p>
Fenner	<p>The Division of Fenner covers an area in the north of the ACT consisting of the Districts of:</p> <ul style="list-style-type: none"> • Gungahlin, • Hall, and • part of Belconnen <p>The Division of Fenner also includes the Jervis Bay Territory.</p>	<p>Dr Andrew Leigh, MP, Labor Party</p> <p>Email: Andrew.Leigh.MP@aph.gov.au</p> <p>Telephone: (02) 6247 4396</p> <p>Postal Address: Shop G&H, 33 Hibberson Street, Gungahlin, ACT, 2912</p>

ACT Senators

Senator David Pocock

Telephone: (02) 6207 8975

Postal Address: PO Box 6100
Senate Parliament House Canberra ACT 2600

Senator Katy Gallagher

Email: senator.katy.gallagher@aph.gov.au

Telephone: (02) 6230 0411

Postal Address: Unit 3, 40 Corinna Street,
Phillip ACT 2606

Disclaimer

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

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