

## **Loose Fill Asbestos Insulation Eradication Scheme A Guide for the Relocation Assistance Grant**

### **Relocation Assistance Grant**

The ACT Government announced on 28 October 2014 the extension of an assistance package (the **Relocation Assistance Grant** or **Grant**) for owner occupiers and tenants living in properties affected by loose fill 'Mr Fluffy' asbestos insulation (**affected properties**) as at 28 October 2014 (**Eligible Occupiers**) who vacate an affected property after that date.

In addition the Relocation Assistance Grant is available to:

- (1) owner occupiers (**Vacated Owner Occupiers**)
- (2) Tenants (**Vacated Tenants**)

who left their affected properties in the period between 18 February 2014 and 28 October 2014; and satisfy the other criteria satisfied in this guide.

### **Initial Assistance Package**

The Government introduced an initial assistance package in June 2014 (**initial assistance package**) for payment to some occupiers of affected properties. In excess of \$1.8 million in payments have been made to affected residents as part of that package.

The initial assistance package had a focus on emergency response, including supporting temporary short term accommodation and hazard reduction works to deal with identified risks in the short to medium term for those wanting to remain in affected properties.

The Relocation Assistance Grant replaces the initial assistance package. However some payments for items approved under the initial assistance package will continue to be made (with any payments made under the initial assistance package being taken into consideration for the purpose of calculating the amount of the Relocation Assistance Grant).

### **Relocation Assistance Grant**

The Relocation Assistance Grant has a primary focus on enabling Eligible Occupiers to move out of their affected properties.

### **Who can apply for a Relocation Assistance Grant?**

To be an Eligible Occupier you must have been living in the affected property as at 28 October 2014 either as:

- (1) an owner occupier; or
- (2) a tenant under a valid tenancy agreement.

Vacated Owner Occupiers and Vacated Tenants may also apply for the Relocation Assistance Grant. It is likely many of them will have already received some assistance as part of the initial assistance package, which will be considered in calculating the amount of the Grant.

**Who is an eligible Vacated Owner Occupier?**

To be eligible to apply for the Grant Vacated Owner Occupiers must have been residing in the affected property as at 18 February 2014 and vacated their property on or after this date as a result of the notification of the presence of loose fill asbestos.

Landlords/lessors of affected properties are not eligible to claim the Relocation Assistance Grant.

**Which tenants may apply for the Relocation Assistance Grant?**

Applications for the Relocation Assistance Grant can be made by the tenant(s) named on a valid residential tenancy agreement entered into on or before 28 October 2014, who were residing in the affected property as at 28 October 2014.

Vacated Tenants may also make an application for the Relocation Assistance Grant. They will need to provide confirmation they vacated the affected property after 18 February 2014 as a result of the notification of the presence of loose fill asbestos. Given this criteria any tenant who vacated an affected property before 18 February 2014 will not be eligible.

Vacated Tenants who vacated an affected property after the 18 February 2014 as part of the formal course of their lease, for example their tenancy term expired, will not be entitled to assistance unless they can establish they vacated as a result of the notification of the presence of the loose fill asbestos. The Taskforce may request additional information to establish this is the position.

Tenants or Vacated Tenants will need to provide with their application a copy of their residential tenancy agreement and evidence of lodgement of their bond. Applications can only be made by those tenants named on the valid residential tenancy agreement. Other occupants or former occupants residing in an affected property will generally be eligible for a grant.

**How much is the Relocation Assistance Grant?**

The Relocation Assistance Grant is a lump sum payment of up to \$10,000 per household plus \$2,000 per dependent child living in the affected property.

Where financial assistance has already been provided to an Eligible Occupier, a Vacated Owner Occupier, a Vacated Tenant or any other person who is or has previously lived in the affected property under the initial assistance package the amount of the Relocation Assistance Grant will generally be reduced by the amount of the payment(s) made under the initial assistance package.

The lump sum payments will not be means-tested. Payments will be made by electronic bank transfer. Where possible, grants will be processed within 21 days of receipt of a completed application and all supporting material.

### **How do you apply for the Relocation Assistance Grant?**

Eligible Occupiers, Vacated Owner Occupiers and Vacated Tenants will be required to lodge an application form with the Taskforce following relocation from the affected property. There will be separate forms for owner occupiers and tenants. Applications will not be able to be lodged while residents remain in the affected property.

Where the Eligible Occupiers are owner occupiers (that is they own the affected property and were living in it at 28 October 2014) all owners will need to sign the application. Where Vacated Owner Occupier(s) are applying for the Grant they must all sign the application, where more than one of them are registered proprietors.

Tenants or Vacated Tenants will need to provide with their application a copy of their residential tenancy agreement and evidence of lodgement of their bond. Applications can only be made by those tenants named on the valid residential tenancy agreement. All tenants named on the residential tenancy agreement will be required to sign the application form.

### **Additional information**

Additional information may be requested by the Taskforce upon receipt of an application. Applicants will need to provide that information when requested to enable the application to be assessed.

### **Grant criteria**

To be eligible to receive the Relocation Assistance Grant, Eligible Occupiers must satisfy a number of criteria:

- (1) having permanently vacated the affected property
- (2) where the Eligible Occupier is an owner occupier, agreeing to maintain the external parts of the affected property (for example by mowing lawns and securing the property)
- (3) agreeing not to return to reside in the affected property
- (4) not knowingly allowing anyone else to reside at the affected property
- (5) acknowledging any reductions in the amount of the grant to reflect payments made under the initial assistance package

Applicants who are owner occupiers are encouraged to maintain insurance on the affected property.

### **When is the Relocation Assistance Grant payable?**

In respect of Eligible Occupiers, payment of Relocation Assistance Grant will be made following confirmation by the Taskforce that the Eligible Occupier(s) and all other persons residing in the affected property have permanently vacated it. To do this Eligible Occupiers need to return to the Taskforce the application form, advising of permanent vacation of the property. The application form cannot be processed until the affected property has been vacated.

Vacated Owner Occupiers and Vacated Tenants may apply for the Relocation Assistance Grant at any time, having already vacated the affected property.

### **Review process**

The following persons may lodge a request for a review of a decision of the Taskforce in relation to the Relocation Assistance Grant:

- (1) Eligible Occupiers,
- (2) Vacated Owner Occupiers,
- (3) Vacated Tenants;
- (4) those who have lived in affected property subsequent to 18 February 2014 who vacated prior to 28 October 2014 as a result of the notification of the presence of loose fill asbestos; and
- (5) other persons living in affected properties as at 28 October 2014 .

An initial review will be conducted by the relevant Director at the Asbestos Response Taskforce. Where the reviewed decision remains unacceptable to the person seeking the review they may seek a second review from the Head of the Asbestos Taskforce, whose decision will be final. Written notice of each decision will be provided to the person seeking the review.

It is hoped a review will be conducted within 14 days of a request being received for the same. This will be dependent on a number of factors including the person seeking the review providing all information on which they wish to rely to the Taskforce.

Following the second Taskforce review residents can contact the ACT Ombudsman Office for advice and support.