

Resilient Homes Fund

Resilient Homes Program

Individual and Exceptional Circumstances Policy

Policy Intent

- The Resilient Homes Program (**RHP**) – Program Guideline (**RHP Guideline**) provides a framework for considering Individual and Exceptional Circumstances as part of the program. This Policy is to be read alongside the *RHP Appeals Fact Sheet* and provides additional information relating to an ‘Individual or Exceptional Circumstances’ appeal. A copy of the RHP Guideline and the RHP Appeals Fact Sheet is available www.nsw.gov.au/resilienthomesprogram
- A homeowner can appeal on the basis of Individual and Exceptional Circumstances where:
 - the NRRC’s assessment is that an application under the RHP does not qualify for assistance under the RHP and the homeowner disagrees with that assessment; or
 - the NRRC makes an offer to a homeowner under a particular RHP stream (i.e. the Home Buy-back stream, the Home Raising stream or the Home Retrofit stream), and the homeowner disagrees with that allocation.

Where individual or exceptional circumstances are found to arise, it will be open for the Appeals Panel to determine that an application is eligible, or assign an application to a particular stream, where that application might not otherwise be considered to be eligible or assigned to that stream (as the case may be).

- Individual and Exceptional Circumstances **will not** change the value of the offer for a Home Buy-back, or the maximum available funding under the Home Raising or Retrofit streams.

Individual Circumstance Considerations

As outlined in the RHP Guidelines, one or more individual circumstances may be taken into consideration to inform a homeowner’s eligibility for the RHP or assigned stream suitability, at the Appeals stage. Individual circumstance considerations are limited to:

- the homeowner’s age;
- where the homeowner has a disability or medical condition that affects their physical or cognitive ability;
- where the homeowner is a parent, guardian or carer of a dependent who resides in the home who has a disability or medical condition affecting physical or cognitive ability;
- where the homeowner is a refugee or asylum seeker, and the Appeals Panel is of the opinion that a decision under the RHP may impact on trauma or a particular disadvantage that is experienced as a result of a homeowner’s refugee or asylum seeker status;
- where the homeowner is Aboriginal or Torres Strait Islander. This includes, for example, the impact of a decision under the RHP on ‘sense of place’ and cultural identity; and
- disadvantage associated with a homeowner’s socio-economic status.

Where a homeowner believes that one or more individual circumstances apply to them, they must identify the circumstances, and provide applicable supporting documentation, as part of their appeals application.

Exceptional Circumstance Considerations

Exceptional circumstances may also be taken into account by the Appeals Panel when re-assessing a decision made by the NRRC in relation to RHP eligibility or stream suitability.

Exceptional circumstances are limited to the following:

- the homeowner is currently experiencing domestic and/or family abuse, and an NRRC offer may assist the homeowner in reducing the risk of further abuse;
- the homeowner has been diagnosed with a serious psychiatric condition or terminal illness;
- the homeowner is at serious risk of homelessness as a result of the Flood Event and has exhausted other reasonably available assistance from the Commonwealth or State Government or not-for-profit organisations;
- the homeowner is suffering from serious financial hardship as a result of the Flood Event such that the homeowner is unable to make required repayments to a mortgagee or other financial lender;
- adjustments were made to, or planned for, the home due to physical or intellectual disabilities prior to the Flood Event which may affect stream eligibility (for example, a house raising may not be suitable for a person accessibility constraints).

Where a homeowner believes that one or more exceptional circumstances apply to them, they must identify that circumstance, and provide applicable supporting documentation, at the time of making the application, as part of their Appeals application.

Evidence to support Individual or Exceptional Circumstances

The NRRC may ask the homeowner for additional for supporting documentation or evidence to support their application including an impact statement or statement of support. Depending on the type of evidence required and its subject matter, this information will not be retained by the NRRC once the Appeals process is finalised.


Assessment of Individual and Exceptional Circumstances

In determining whether, and if so, how, to consider an individual or exceptional circumstance, the following factors may be taken into account by the Appeals Panel:

- the extent to which the Flood Event has caused, exacerbated or worsened any of the individual or exceptional circumstances outlined above;
- the particular vulnerability or disadvantage that a person in one of the above categories is or may be experiencing, and the impact of a RHP decision on that vulnerability or disadvantage;
- whether the impact of the Flood Event on the homeowner is disproportionate, in the sense that the homeowner's circumstances must be significantly greater than hardship that is experienced or would be anticipated to be experienced by other members of the Northern Rivers community affected by the Flood Event;
- the need to balance individual and exceptional circumstance considerations with the primary objectives of the RHP, including risk to life and minimising further property damage from flooding events.

For more information

 **Visit:** nsw.gov.au/resilienthomesprogram

 **Call:** 1800 844 085

 **Email:** resilienthomesprogram@nrcc.nsw.gov.au

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