



Right to Access Public Housing: Unlawful Damage, Arson or Crimes of Deception

Policy Intent

Individuals charged and convicted of crimes involving causing loss to Housing Tasmania, including serious damage to a public housing property, do not have the automatic right to gain access to public housing. Crimes covered under this policy include arson, unlawfully damaging property, fraud and other crimes of deception against Housing Tasmania.

This policy relates to individuals attempting to access public housing through a public housing application or via residency in another public housing property.

All individuals have the right to test their eligibility through the application process.

Housing Tasmania has the right to refuse individuals requesting to reside in public housing homes under certain circumstances due to overcrowding for example.

Also, preclusion periods may also apply to some clients wishing to access public housing after vacating a public housing home such as those with vacation debts. The [Outstanding Charges Policy](#) should be referenced in these cases.

This policy applies from the date the conviction is recorded, not from the date the client applies for public housing.

Reporting and Data Management

When Housing Tasmania is notified that person has been convicted of the crime of arson, unlawfully injuring public rental premises or a crime of deception, a record of the crime, conviction date and any preclusion period will be recorded against the client's name on THIS.

If the client does not have an existing person record, a new person record should be created specifically for the purpose of recording details of the crime and the suspension detail.

The Manager Housing Services will maintain a statewide register of all convicted clients that are precluded from public housing including the date the preclusion period ends.

Applying for public housing

All Tasmanian residents have the right to test their eligibility for public housing. However, Housing Tasmania may suspend or cancel public housing applications under certain circumstances.

Individuals that have been charged (but not yet convicted) with arson, unlawfully damage public housing property (i.e. Housing Tasmania premises) or a crime of deception will have their application suspended

pending the outcome of the charge. The Manager Housing Services may exercise discretion to lift the suspension in exceptional circumstances.

This will need to be monitored by the relevant Area and the application lifted from suspension if the outcome of the charge results in no conviction.

Those individuals that have been charged *and* convicted of a crime covered by this policy will have their public housing application cancelled and cannot have an active application for a period of five (5) years after the date of their conviction.

The client may re-apply and be reassessed after the preclusion period has ended.

Residing as a boarder in a public housing property

Housing Tasmania may also refuse permission for individuals convicted of a crime covered by this policy to reside (as a boarder or similar) in a public housing property.

A convicted arsonist may not reside in a public housing property as a household member for a period of five (5) years.

The relevant Area is responsible for ensuring that the individual/s are not declared as a member of another public housing household.

It is important that each Area informs other Areas of the precluded client in case they attempt to reside in a property managed by another Area.

Lifting of suspension if client not convicted

The relevant Area is responsible for monitoring and lifting the suspension of the public housing application and ensuring the client is reassessed if charged and not convicted. In these circumstances, the application should be reviewed and the client must attend a Level 1 Assessment. If it is determined that the client requires a Level 2 Expanded Assessment, the application should be escalated accordingly.

Please see [Level 2 Expanded Assessment policy](#) for further information.

Referrals and coordination planning

Clients who are convicted of a crime covered by this policy and are rehoused as the legal tenant after a preclusion period may require support to maintain their tenancy.

If necessary, the client should be [referred](#) to appropriate support organisations, or if appropriate Housing Tasmania should establish a coordination plan with the client. Please refer to the [Co-ordination Planning Policy](#) for further information.