

Individual and Exceptional Circumstances Policy

October 2024

Policy intent

The Resilient Homes Program aims to increase the safety and resilience of communities so that people can better withstand the impacts of future floods and communities can stay together and thrive.

As set out in the Resilient Homes Program Guideline, this will be achieved by:

- supporting community recovery by providing assistance to impacted homeowners
- minimising the impacts of future flooding to eligible residents in areas of highest risk to reduce risk to life and safety through voluntary home buybacks.
- improving the disaster resilience of eligible homes in high-risk flood areas, through measures such as house raisings and use of resilient materials and design features.
- reducing costs for the community and all levels of government resulting from future flood events.

To ensure that available funding is directed to those most in need, the Resilient Homes Program will prioritise homeowners who meet the eligibility criteria in the Program Guideline, including to help those who face additional challenges and barriers when it comes to their safety and withstanding the impacts of future flooding events.

Individual and Exceptional Circumstances may be considered in conjunction with other eligibility factors, including the location of the home relative to future flood risk.

Individual and exceptional circumstances

This policy outlines the individual and exceptional circumstances that may be taken into consideration to inform a homeowner's prioritisation, as referred to in the Program Guideline.

Individual and exceptional circumstances that the NSW Reconstruction Authority (RA) may consider include:

- the homeowner's age, where this may affect their physical or cognitive ability to respond to future floods
- where the homeowner has a disability or medical condition that affects their physical or cognitive ability to respond to future flood events
- 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 to respond to future flood events
- disadvantage associated with a homeowner's socio-economic or financial hardship status;
- the homeowner has a serious mental health condition
- the homeowner has been diagnosed with a terminal illness

- 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 with accessibility constraints)
- other individual and exceptional circumstances that may affect the homeowner's ability to keep safe and withstand future flood events, considered on a case by case basis.

Where a homeowner believes that one or more individual or exceptional circumstances apply to them, they should identify the circumstances, and provide applicable supporting documentation, as part of their application, or at a later time through the Resilient Homes Program team.

Evidence to support individual and exceptional circumstances

RA requires additional documentation or evidence to support a homeowner's application for Individual and Exceptional Circumstances, which may include 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 RA.

For more information on the additional documentation or evidence required, contact the Resilient Homes Program team (see contact information below).

Assessment of individual and exceptional circumstances

In determining whether an individual or exceptional circumstance will be considered, the following will be taken into account by the Resilient Homes Program team:

- Demonstration of socio-economic status:
- whether the homeowner currently receives income support payments from the Australian Government
- whether the homeowner was eligible for the Disaster Relief Grant or similar government support following the Flood Event.
- where the homeowner can demonstrate financial hardship
- 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 may be experiencing, its impact on their ability to keep safe and withstand the impacts of any future flood event, and the impact of a Resilient Homes Program 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 are significantly greater than hardship that is experienced or would be anticipated to be experienced by other members of the community affected by the Flood Event
- the need to consider individual and exceptional circumstance considerations within the context of the primary purpose of the Resilient Homes Program, including risk to life and minimising further property damage from flooding events.

Appeals Panel consideration

Where the homeowner is dissatisfied with the outcome of a decision on the assessment of Individual and Exceptional Circumstances made by the Resilient Homes Program team, the homeowner can seek review from the Appeals Panel.

The *RHP Appeals Policy Fact sheet* provides further information about an 'Individual or Exceptional Circumstances' internal review or appeal.

Consideration in an internal review and appeal

Where a homeowner is requesting an internal review or appeal, a homeowner's Individual and Exceptional Circumstances may be further considered where one or more of the following apply:

- the property is the homeowner's primary place of residence and the homeowner does not own any other real property (e.g. land, houses, commercial properties)
- RA's assessment is that an application under the Resilient homes Program does not qualify for assistance and the homeowner disagrees with that assessment
- RA makes an offer to a homeowner under a particular RHP stream (i.e. the Home Buyback stream, Resilient Measures stream), and the homeowner disagrees with that allocation
- the costs of works for Resilient Measures (home raising, home relocation, home rebuild, or home retrofit) exceeds the available grant and the homeowner is not able to co-contribute funding to achieve an outcome
- RA has not provided an outcome for a homeowner's application.

The consideration of Individual and Exceptional Circumstances **will not:**

- change the value of the offer for a Home Buyback, or the maximum available funding for Resilient Measures
- change the eligibility of property as per the criteria set out in the Resilient Homes Program Guideline.

Contact us
For more information please contact: T: 1800 844 085 E: resilienthomesprogram@reconstruction.nsw.gov.au W: nsw.gov.au/resilienthomesprogram

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