



Eligibility for Housing Assistance Policy

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1. About this document

1.1 Purpose of this policy

This document provides a guide to the eligibility rules for housing managed by NSWALC Housing Ltd (NHL).

The objective is for NHL to have robust operational practices that:

- support delivery of affordable, secure and sustainable housing for Aboriginal people
- support fair, transparent and consistent decision-making
- ensure NSWALC Housing's approach is compliant with the NSW Community Housing Eligibility Policy and the requirements of the *Residential Tenancies Act 2010*
- ensure that NSWALC Housing's eligibility policy is sufficiently flexible to reflect the housing types and programs managed by the company.

1.2 Scope and context of the policy

This policy outlines eligibility criteria for all forms of housing assistance delivered by NHL. It specifically outlines how these apply in relation to Aboriginal and general social housing, Affordable Housing and LALC Housing managed by NHL.

NHL is an Aboriginal-owned, not for profit community housing provider operating in NSW across both the general and Aboriginal community housing sectors. Community housing providers are supported by government to deliver long term, secure rental housing to people on very low, low or moderate income who need housing assistance. Any surpluses community housing providers generate are used to provide additional local services and deliver more housing.

Community housing providers, including NHL, are also regulated by government, meaning they must comply with government community housing policies, meet performance standards and demonstrate that they are operating viably.

1.3 Terms and definitions

Term	Meaning
Community housing	The housing is for people with very low, low to moderate incomes or for people with additional needs.
Public housing	This is the general social housing managed by the NSW Government. Note that the Government does not manage Affordable Housing, Transitional Housing, LALC Housing or Crisis Accommodation.

Term	Meaning
Housing Pathways	The system for applying for housing assistance, including social housing and private rental assistance in NSW. Under this system, applicants lodge a single application form to apply for assistance from government and participating community housing providers. This can be lodged online, by phone or at a local housing office.
Housing assistance	The subsidised housing products and services that community housing providers and the NSW Government provides to eligible people on very low, low or moderate incomes.
Social housing	<p>This is the most common form of Housing Assistance provided by Community Housing Providers. Social housing managed by the Government is also referred to as Public Housing. Social Housing refers to both:</p> <ul style="list-style-type: none"> • General Social Housing (ie social housing available to, but not specifically aimed at, Aboriginal people). • Aboriginal Social Housing: social housing owned by the Aboriginal Housing Officer (AHO), another government agency or another Aboriginal community organization and managed by an Aboriginal Community Housing Provider (or by Government) and used to house Aboriginal people in housing need.
LALC housing	Housing that is owned by a Local Aboriginal Land Council (LALC) and managed by the LALC or by another organization for the benefit of LALC members.
Affordable housing	Subsidised rental accommodation for people on very low, low or moderate incomes housing managed in accordance with the <i>NSW Affordable Housing Ministerial Guidelines</i> .
Transitional housing	Interim accommodation (generally from three to eighteen months) for people that are experiencing homelessness or people who are at risk of homelessness.

Term	Meaning
Crisis housing	Short term accommodation for a period of up to 3 months for people that are experiencing homelessness of people who are at risk of homelessness. Accommodation is provided under an occupancy agreement rather than a residential tenancy agreement.

1.4 Related documents

- NSWALC Housing Allocations Policy
- NSWALC Housing Complaints and Appeals Policy
- NSW Community Housing Eligibility Policy
<https://www.facs.nsw.gov.au/housing/community-housing-policies/eligibility>

1.5 Relevant legislation, regulations or standards

- *Housing Act 2001* [<https://www.legislation.nsw.gov.au/#/view/act/2001/52>]
- *Residential Tenancies Act 2010* [<https://www.legislation.nsw.gov.au/#/view/act/2010/42>]

2. Eligibility policy details

2.1 Applying for housing assistance

Applications for housing assistance (other than LALC Housing) are managed under **Housing Pathways** (a system jointly managed by the NSW Government and community housing providers)¹. The **Housing Pathways** system considers the housing needs of all eligible applicants, for all available housing assistance products.

Applications can be made by:

- Calling the **Housing Contact Centre** on 1800 422 322
- Completing an application form for housing assistance on the Housing Pathways website [see <https://www.facs.nsw.gov.au/housing/help/ways/about-housing-pathways-factsheet>]
- Applying online

Applications may be assessed by either a community housing provider participating in Housing Pathways or by housing service staff from the NSW Department of Communities and Justice, including Housing Contact Centre staff. If assessed as eligible, applicants will be listed on the NSW Housing Register.

NHL is not a Housing Pathways provider (at 1 July 2020), but where an Aboriginal person in an NHL service location approaches NHL wishing to apply for Housing Assistance, we will provide active assistance in referring them to the Housing Contact Centre or to the office of a Housing Pathways provider. NHL staff will explain the process and indicate the documentation applicants need to support their application. If requested, NHL staff will assist applicants to complete their online application or connect them to a supportive Aboriginal housing officer in another organisation. The service option will depend on multiple factors, including the level of NHL resourcing at that site and the capacity of the applicant to manage the next steps of the application process generally.

For information about applying for housing assistance, see <https://www.facs.nsw.gov.au/housing/help/applying-assistance/applying>.

2.2 Eligibility for general social housing

The NSW Community Housing Eligibility Policy sets out the NSW Government's general criteria for eligibility for social housing, affordable housing, transitional housing and crisis accommodation [see <https://www.facs.nsw.gov.au/housing/community-housing-policies/eligibility>].

To be eligible, an applicant must:

- Be a citizen or have permanent residency in Australia
- Be resident in NSW
- Establish their identity
- Have a household income within the specified eligibility limits
- Not own any assets or property which could reasonably be expected to resolve their housing need²
- Be able to sustain a tenancy (with appropriate support if needed)

¹ Except for applications for Affordable Housing and/or LALC Housing, which are also made outside of Housing Pathways.

² Exceptions may be made in circumstances eg family breakdown, the need to relocate because of need for long term medical treatment which is not available where they reside, or escaping domestic violence, serious harassment or threats of violence.

- If applicable, make repayments of any former debts to a social housing provider
- In general, be 18 years of age or older

Additional eligibility criteria may apply for properties under specialist housing programs or arrangements.

2.3 Eligibility for Aboriginal social housing (housing owned by the AHO)

Eligibility for Aboriginal Social Housing (that is properties owned by the Aboriginal Housing Office (AHO) and managed by a community housing provider) is described in the AHO's Aboriginal Housing Eligibility Policy.

https://www.aho.nsw.gov.au/_data/assets/pdf_file/0020/544331/AHO-Communications-Aboriginal-Housing-Eligibility-Policy-Policy-June-2017.PDF

The policy provides that in addition to the meeting the general eligibility criteria for social housing (see 2.2), the applicant must be able to establish Aboriginality. For more information see:

<https://www.aho.nsw.gov.au/applicants/confirmation-of-Aboriginality>

2.4 Income eligibility limits for social housing

Applicants for all social housing must meet NSW Government-specified income eligibility limits detailed in the Social Housing Eligibility Products and Allocations Policy Supplement:

<https://www.facs.nsw.gov.au/housing/policies/social-housing-eligibility-allocations-policy-supplement>

The income eligibility limits set out the maximum income (before tax and including income generated from assets) that a household can earn and be eligible for social housing. A household is eligible if their total assessable household income is equal to or below the specified threshold. Any income generated by the applicant and their spouse/partner, and any other household members 18 years of age or older is included in the assessable household income. Some statutory incomes are excluded and some are discounted.

2.5 Eligibility for LALC housing

Individual LALCs determine eligibility for housing in the properties they own. Most LALCs maintain a waiting list for their housing. Applications for LALC Housing can be made directly to the relevant LALC. It is usually the case that to be eligible for a LALC property, an applicant must be a member of that LALC. Eligibility criteria for LALC membership are defined in the *Aboriginal Land Rights Act 1983*.

2.6 Eligibility for affordable housing

Applicants for Affordable Housing must meet the income eligibility limits as defined in the *NSW Affordable Housing Guidelines*. <https://www.facs.nsw.gov.au/download?file=332789>

To be eligible, a household's gross income must be equal to or below the moderate income level for their household type.

Affordable Housing can be provided for a fixed term or on a continuous basis. Where a fixed term lease is used, this may be renewed or continued indefinitely provided the tenant remains eligible and eligibility reviews are held

on a regular basis. There is no limit to the length of time a household can remain in an Affordable Housing property if they remain eligible. However, as the Guidelines indicate, in certain circumstances, to achieve a particular objective, and notwithstanding ongoing eligibility, providers may set a limit on how long one household can remain in Affordable Housing. In these instances, the provider must clearly communicate the time period and the objective to the tenant before a tenancy agreement is signed.

In accordance with the Guidelines, NHL will reassess the eligibility of Affordable Housing tenants at the end of a lease period to determine if they remain eligible to reside in the property. This review will take place no more than six months prior to the expiration of the fixed term lease.

2.7 Eligibility of former tenants

Additional eligibility provisions apply in relation to former tenants who have a debt to a housing provider, or whose previous tenancy was terminated. These provisions are explained in **Appendix A**.

3. Complaints and appeals

If a tenant is not satisfied with our service or does not agree with a decision we make, including to the calculation, backdating or cancellation of a rent subsidy, they can ask for a formal review. Further information is available in the NSWALC Housing Complaints and Appeals Policy.

If a tenant is unhappy with the outcome of an appeal to NSWALC Housing, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that can review certain decisions made by Community Housing providers. For information on the Housing Appeals Committee, call 1800 629 794 or go to <https://www.hac.nsw.gov.au/home>

Appendix A - Former tenants

A former tenant is someone who has previously lived in an NHL managed property, or in another type of social housing, or Affordable Housing or LALC Housing and has since vacated the property.

Former tenants can apply to be on the NSW Housing Register. To be approved, former tenants must meet the current eligibility criteria under Housing Pathways.

If a former social housing tenant is included in an application for social housing (application in their name or as member of household) the provider who managed the former tenancy will be contacted for a review of the tenancy history. The tenancy history will be reviewed to determine any conditions that need to be met before making an offer of housing assistance.

If the former tenant owes a debt of \$500 or less, they may remain eligible if there are no other conditions that need to be met. If the debt owed is greater than \$500, the application is likely to be suspended unless the applicant pays the debt in full. The applicant may also be required to provide evidence that he/she has paid rent consistently to a landlord since leaving social housing. In general, applicants are expected to repay the debt in full or make regular payments to reduce the debt before they are offered housing.

Applicants who have had their tenancy terminated for any of the following reasons will have their applications considered on a case-by-case basis:

- They caused or allowed someone else to cause, serious damage deliberately or by behaving recklessly
- They caused, or allowed someone else to cause, injury to the landlord, someone acting on the landlord's behalf or someone in an adjoining premises.

If approved, the person may be offered a fixed term lease during which time the tenant's ability to sustain a tenancy will be determined.

Former tenants that are approved for tenancy reinstatement will have their application prioritised.

To be eligible for re-instatement, the former tenant must be able to establish that:

- They meet the eligibility criteria
- They vacated the property:
 - Under duress
 - They had to move into a residential care facility
 - They were placed in a custodial facility
 - They, or household member required care

Applications for reinstatement will be considered on a case-by-case basis, and all circumstances will be taken into account.

Document information

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