



Allocations Policy



NSWALC
Housing

NSWALC Housing Ltd

ACN 631 178 848

Level 5, 33 Argyle Street
Parramatta NSW 2150

PO Box 1125
Parramatta NSW 2124

Ph 02 9689 4444

Fax 02 9689 4503

Email housing@alc.org.au



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1. About this document

1.1 Purpose of this policy

This document provides a guide to how housing managed by NSWALC Housing Ltd (NHL) is allocated to people in housing need.

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

- support delivery of affordable, secure and sustainable housing
- support fair, accountable and consistent decision-making
- are sensitive to Aboriginal culture, family, community and connections to land and/or property where applicable
- comply with the NSW Community Housing Allocations Policy and the requirements of the Residential Tenancies Act 2010
- reflect
- the housing types and programs managed by the company.

1.2 Scope and context of the policy

This policy applies to all allocations to vacant properties managed by NHL, including Aboriginal and general Social Housing, Affordable Housing and LALC Housing.

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 subsidised housing products and services provided by not for profit, non-government organisations, known as community housing providers.
Public housing	This is the 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 the 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	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: <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 Office (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.
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 Eligibility for Housing Assistance Policy
- NSWALC Housing Complaints and Appeals Policy
- [NSW Community Housing Access Policy](#)



1.5 Relevant legislation, regulations or standards

- *Housing Act 2001*
- *Aboriginal Housing Act 1998*
- *Residential Tenancies Act 2010*
- *Aboriginal Land Rights Act 1983*
- *Privacy Act 1998*



2. Allocation policy details

2.1 Access to general social housing

All applications for social housing (except for LALC Housing and other housing owned by Aboriginal community organisations) are managed under the single point of entry to social housing known as Housing Pathways. The Housing Pathways assessment process considers the housing needs of the applicant and their ability to resolve this need. For information about Housing Pathways see:

<https://www.facs.nsw.gov.au/housing/help/applying-assistance/housing-pathways>

Housing Pathways is the system for managing the NSW Housing Register. The Register includes new applicants for social housing and tenants who have been approved for transfer. Details regarding eligibility criteria and applying for social housing can be found at: <https://www.facs.nsw.gov.au/housing/help/eligibility/social-housing>

For more information about applying for housing assistance, see:

<https://www.facs.nsw.gov.au/housing/help/applying-assistance/applying>

When allocating housing to eligible applicants, community housing providers apply the NSW Community Housing Access Policy: https://www.facs.nsw.gov.au/data/assets/pdf_file/0004/329872/NSW-Community-Housing-Access-Policy.pdf

Access to general social housing properties managed by NHL will be allocated to eligible people from the NSW Housing Register in accordance with Housing Pathways policies and NSWALC's scale of priorities.

2.2 Access to Aboriginal social housing

Access to social housing properties that are managed by NHL but owned by the Aboriginal Housing Office (AHO) or by the NSW Land and Housing Corporation will be allocated to eligible Aboriginal people in accordance with the AHO's Aboriginal Housing Access policy: <https://www.aho.nsw.gov.au/download?file=544330>

NHL will make offers of housing to Aboriginal applicants listed on the NSW Housing Register in accordance with relevant Housing Pathways policies, procedures and guidelines and NHL's scale of priority.

When we make allocation decisions, applicants can expect us to:

- Confirm the applicant's current situation to make sure the offer meets the applicant's current needs
- Consider all tenant information and documentation before any offers are made, especially if the applicant requires or expresses a preference for a particular type of dwelling or location
- Determine if the applicant has any support needs and decide if the offer is appropriate
- Promote stable communities and sustainable tenancies
- Offer the property to the applicants once a suitable match has been identified
- Explain the offer policy, the options available and what will happen when an offer is accepted or rejected
- Make up to two reasonable offers of housing
- Encourage the applicant to accept the first reasonable offer and explain what happens if the offer is rejected
- Understand that an applicant has a right to reject an offer of housing without being penalized and to appeal an offer if they think it wasn't reasonable



- Consider requests for property modifications as required and in accordance with our Assets Maintenance Policy and Procedure
- Disclose any known material facts when offering a property as required by the Residential Tenancies Act 2010

2.3 NSWALC Housing's allocation scale of priority

Prior to making an offer of housing, community housing providers need to confirm that the applicant remains eligible for housing assistance. For Aboriginal Social Housing, LALC and other Aboriginal community-owned housing managed by NSWALC Housing this process includes NSWALC Housing reviewing documentation to confirm Aboriginality.

Households confirmed as eligible will, in general, be offered housing in accordance with NHL's scale of priority, which is based on assessment of need. Allocation is a considered process of matching the particular housing requirements of households to the type/size/location of properties available for offer.

NSWALC's scale of priority – the order of housing offers – is as follows:

1. Urgent transfers – where a tenant's property becomes uninhabitable due to fire, flood etc – are offered the next available suitable property. Tenants are given the opportunity to return to their original property upon completion of repair works.
2. Other transfers - If a tenancy must be terminated, due to the premise being sold or redeveloped, or in the case of a head leased premise, the termination of the head lease by the landlord, NHL will rehouse the tenant in appropriate, alternative accommodation.
3. NHL selects suitable eligible applicants from the Register, assessed as either priority applicants or general waitlist applicants.
 - a. *Priority applicants* – People with an urgent housing need meeting low income and asset eligibility requirements. Urgent housing need may arise from circumstances including:
 - Homelessness
 - Family violence
 - Disability or significant support needs
 - Special housing needs
 - b. *General waitlist applicants* – People who are eligible for social housing, and on the NSW Housing Register

For both priority applicants and general waitlist applicants, two types of allocations may be made: standard and non-standard.

Standard allocations will be made according to date of application and the suitability of the property available, unless circumstances warrant a non-standard selection.

A **non-standard allocation** is an allocation from the Register based on other considerations. A non-standard allocation may be considered for reasons including:

- To meet internal strategic objectives
- Nominations from support agency partners



Reasons for non-standard allocations must be supported by evidence and documented. They can only be approved by the General Manager. Non-standard allocations will be periodically reviewed to:

- Ensure the objectives of this policy, including provisions relating to standard allocations, are being met
- Assess whether this policy needs to be revised.

Where an applicant being considered for a vacancy is not on the Register, but is suitable for priority access, NHL will assist the applicant to make a housing application and provide other required support.

Social housing managed by NHL is provided as continuous tenure, subject to a tenant complying with the requirements of their residential tenancy agreement. Where applicable, tenants transferring to NHL management under a management transfer program will remain on their fixed term lease with all current terms and conditions until the term of the lease expires. After this time, NHL can apply its own (continuous) tenure policy to any new lease arrangement.

2.4 Affordable housing

Affordable housing will be allocated in accordance with the NSW Affordable Housing Guidelines.

<https://www.facs.nsw.gov.au/download?file=332789>

When making an allocation, NHL will balance the needs of households in housing stress with the requirement to generate sufficient income to meet finance and other operating costs.

Affordable housing is provided for a fixed term or on a continuous basis, and tenancies may be renewed subject to the tenant household continuing to meet the eligibility criteria for affordable housing.

The length of each fixed term tenancy agreement is determined by NHL and will be relevant to tenant circumstances. However, no fixed term residential tenancy agreement will be longer than 10 years.

2.5 LALC and other Aboriginal community-owned housing managed by NSWALC Housing

NHL will apply its scale of priority for allocation unless a different allocation process is requested by the LALC (or other Aboriginal community owner) and agreed as part of the service agreement between NHL and the LALC.

2.6 Local allocation strategies

There may be times when we develop a local strategy for allocations in a particular area. These may be a response to:

- High concentration of community and/or public housing
- High concentration of tenants with multiple health, social or economic issues
- Existing tenancy management issues or the potential for them to develop (place management strategies)
- A mismatch of supply and demand making a property hard to let



2.7 Transfers

A tenant who is experiencing a change in circumstances that affects their housing needs may request a transfer to another property. The assessment of this request will include assessing any risks to tenants or household members remaining in the current property. Requests for transfer can be made using the Transfer Request Form, with supporting evidence of need eg from a medical practitioner or allied health professional.

If NHL has no suitable property available within its portfolio and there is an urgent need for transfer to another location, NHL will provide a support letter to the tenant and connect them with a Housing Pathways provider to apply to be on the Housing Register.

2.8 Housing registerable persons

NSWALC Housing will comply with the Social Housing Assistance Policy for persons who are registerable on the NSW Child Protection Register <https://www.facs.nsw.gov.au/housing/policies/social-housing-assistance-policy-registrable-persons>

2.9 Supported housing programs and transitional housing

Tenants in supported housing receive support from one or more services to help them maintain their tenancy and live independently.

Transitional housing comprises short term tenancies, generally up to 18 months, where tenants do not have to be on the NSW Housing Register and are instead nominated by a preferred support provider.

Allocations to transitional housing will be based on the specific criteria associated with the use of the properties under the program. Properties will be allocated to eligible households and targeted to the identified client group. Tenants in transitional housing will be issued with fixed term residential tenancy agreements, or license agreements.

For supported and transitional housing properties, our partner support agencies will nominate potential tenants who are linked with support and have an active application on the NSW Housing Register (unless the program specifically exempts applicants from meeting Housing Pathways eligibility). We will meet the policies/guidelines for the specific program and any service agreements when making these allocations.



3. Properties with specific features

3.1 Modified properties

We will only allocate properties that have been modified for people with a disability to people with a demonstrated need for these features, unless these properties are already available or have been vacant for a long time. The person or their household member must have documentation from a medical professional or allied health care worker that supports their need for a property with modifications and the modifications must meet the needs of the person or their household.

3.2 Ground floor properties

We will only allocate ground floor properties or properties with level access to applicants/households with a demonstrated need for this feature, unless these properties are readily available or have been vacant for a long time. The applicant/household member must have documentation from a medical practitioner or allied health care worker consistent with their need for a ground floor or level access property.

Ground floor properties or properties with level access will also be targeted to seniors where appropriate, to allow seniors to age in their home.

3.3 Properties with planning restrictions

Some properties may need to meet certain planning criteria or policies. Where these apply, NSWALC Housing will consider these criteria in allocating properties eg for properties under State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004, residents must include:

- seniors (people aged 55 or over, or 45 and over if Aboriginal or Torres Strait Islander)
- people who have a disability
- people who live in the household of a senior or person with disability
- staff employed to assist in the administration of and provision of services to housing provided under this policy



4. Entitlements

NHL will offer and allocate properties that are suitable for the person and their current household members.

We will allocate properties to people based on the minimum bedroom entitlements, allocating bedrooms for children as shown in the tables below.

The General Manager has the discretion to approve other allocations.

4.1 Minimum bedroom entitlements

Household composition	Minimum bedrooms
Single person	Studio/one bedroom
Couple	One bedroom
Single person or couple with one other household member	Two bedrooms
Single person or couple with two other household members	Two bedrooms
Single person or couple with three other household members	Three bedrooms
Single person or couple with four other household members	Three bedrooms
Single person or couple with five or more other household members	Four bedrooms, or, if available, five or more bedrooms.

4.2 Allocating bedrooms for children

Situation	How we allocate bedrooms
Children 18 years of age or over	Children 18 year or older are considered adults when determining bedroom entitlement
Shared bedrooms	Same sex children who are under 18 years of age are expected to share a bedroom. Male and female children are expected to share a bedroom until one of the children reaches 10 years of age.
Children who can't share a bedroom	We will allocate an additional bedroom where applicants can demonstrate a need for same sex children or children under 10 to have separate bedrooms. eg behavioural factors, or large gap between children's ages.
Future needs of children who may need a separate bedroom in 2-3 years time	We will, where possible, consider the future needs for children when allocating a property. This will be done on a case-by-case basis.



Situation	How we allocate bedrooms
Children with special needs	We will allocate an additional bedroom where the tenant/applicant can demonstrate a need for same sex children or children under the age of 10 to have separate bedrooms
Shared custody/access visits from children	We will consider the children to be part of the household if they stay for 3 nights or more per week.

4.3 Examples of evidence helpful in substantiating housing needs

Situation	Information required
Location within specific area eg for access to cultural supports, a special school, disability supports	Documentation substantiating need for the specific location
Shared custody	One or more of: <ul style="list-style-type: none">• Documentation from Family Court• Statutory Declaration from applicant• Centrelink payment information
Bedroom allocation above standard entitlement	One or more of: <ul style="list-style-type: none">• Medical assessment• Report or letter from health care worker• Evidence of special family or carer requirements



5. Offers of housing

5.1 Two reasonable offers

Allocations are made based on information provided by the applicant/tenant. NHL will make applicants, including transfer applicants, 2 reasonable offers of housing.

NHL considers a reasonable offer one in which the property:

- is appropriate for the person’s current expressed household needs
- won’t result in under or over-occupancy
- is located in the area which matches the applicant’s needs and maintains connection to land/country
- will not have a negative impact on a person’s health or disability
- is in a neighbourhood unlikely to have a negative impact on the new tenant’s well-being; and
- where the new tenant will not have a negative impact on neighbours

An offer is not reasonable if the property:

- may have a negative impact on a medical condition or disability of an applicant or a member of their household, or makes it harder for them to stabilize or improve their condition
- places the applicant or their household in an area that will put them at risk
- makes it difficult for the applicants and their household to remain together; or
- makes it difficult for the applicants or their household to maintain connection to land/country

5.2 Possible outcomes of offers

Outcome	Circumstance
Offer is accepted	The applicant accepts the property and signs a tenancy agreement within 3 business days
Offer reasonable but rejected	<p>The offer meets the matching requirements but is not accepted, and the person does not provide any new, substantiated information to us about their needs within the required timeframe.</p> <p>The person declines the offer for a reason that we consider to be a personal preference rather than a housing need, eg:</p> <ul style="list-style-type: none"> • wanting gas rather than electricity • not liking the neighbourhood • wanting a specific street • wanting a different type of property <p>The person declines the offer due to not liking, or being unwilling to accept, our requirements or the requirements of the housing program, eg:</p> <ul style="list-style-type: none"> • the type or length of lease we offer • the need to pay rent in advance and/or bond at sign-up • any additional terms attached to the RTA <p>One more reasonable offer will be made.</p>



Outcome	Circumstance
Offer not reasonable/ offer withdrawn	<p>The person doesn't accept the property and we determine the person's decision is valid because the property did not meet their needs. Their decision may be supported by evidence, for example</p> <ul style="list-style-type: none">• a doctor's letter• a support provider's letter <p>Two more reasonable offers will be made.</p>
Application suspended	<p>The person provides information demonstrating that they are temporarily in a situation where they are unable to accept an offer due to circumstances beyond their control, including that they are:</p> <ul style="list-style-type: none">• ill or in hospital• cannot terminate a residential tenancy agreement• in prison

If an applicant refuses two reasonable offers, their application is removed from the waiting list.

Once a decision is made, the offer and the outcome will be updated on the NSW Housing Register using the Housing Pathways process.



6. Complaints and appeals

If a tenant is not satisfied with our service or does not agree with a decision we make, including decisions about allocation as outlined in this policy, 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>



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