

Eligibility, Applications and Offers

1 Purpose and Applicability

This policy explains what the requirements are for someone who wants to rent a home from the Women's Housing Company (WHC), and covers:

- how to lodge an application
- the timeframe for the applicant to accept an offer
- expected length of the tenancy
- what they can expect to pay during the tenancy.

The policy sets out the requirements of tenants and the obligations of WHC. WHC will apply procedural fairness in relation to its implementation of this policy and will meet all relevant legislative requirements. For clients facing significant hardship as a result of any of WHC's policies, staff will seek to respond reasonably and with compassion.

This policy applies to all transitional, social and affordable housing programs managed by WHC, but not to crisis accommodation. The applicable programs are:

- BlueCHP Affordable Housing Program (NRAS and non-NRAS)
- BlueCHP Affordable Social Housing Program (NRAS and non-NRAS)
- Social Housing Subsidy Program
- General Social Housing
- General Affordable Housing
- Transitional Housing
- Connect 100 program

This document satisfies the requirements of:

- The NSW Residential Tenancies Act 2010
- National Regulatory Code for Community Housing
- NSW Community Housing Eligibility Policy
- NSW Community Housing Access Policy
- NSW Affordable Housing Guidelines

2 References

2.1 External or Statutory Requirements

This policy complies with the following legislative, and program requirements:

- NSW Residential Tenancy Act (2010)
- NSW Community Housing Access Policy (FACS)
- Housing Pathways (FACS)
- National Rental Affordability Scheme Guidelines (DSS)
- NSW Affordable Housing Guidelines (FACS)

2.2 Internal Requirements, Procedures and Forms

This policy makes reference to the following internal documents which are on the WHC website:

- Starting a Tenancy
- Keeping a Tenancy
- Repairs and Maintenance
- Complaints and Appeals
- Housing Pathways – Application for Housing Assistance form
- WHC Application for Affordable Rental Housing form
- WHC Expression of Interest for Affordable Rental Housing form
- Bond Payment Information form

2.3 Definitions

The following terms as used in this document, have specific meaning:

- a) “must” or “shall” or “will” designates a mandatory requirement or action
- b) “may” is an acceptable action or requirement but not mandatory
- c) “Housing Pathways” is the system for applying for social housing in NSW. Applicants fill out a single application form for assistance from either the FACS or participating community housing providers such as Women’s Housing Company. Housing Pathways also maintains a single register of eligible applicants for social housing in NSW.
- d) “social housing” is subsidised rental accommodation for people on very low or low incomes who meet the eligibility requirements. Eligibility requirements for all social housing tenants are as set out in Housing Pathways guidelines.
- e) “affordable housing” is subsidised rental accommodation for very low, low or moderate income tenants and in NSW is managed in accordance with the NSW Affordable Housing Guidelines.
- f) “transitional housing” is short-term accommodation linked to support for people who are homeless or at risk of homelessness.
- g) “tenancy agreement” or “lease” is the written agreement between WHC and the tenant with all terms and conditions of the tenancy.
- h) “periodic agreement” or “continuous lease” means a tenancy agreement where there is no fixed date of termination
- i) “rebated rent” is the term in WHC rent statements that describes the rent that is payable by the tenant. In this document “rent” is used to mean “rebated rent”.

3 Requirements

3.1 Eligibility

For all housing provided by Women's Housing Company (WHC), an applicant must satisfy the following general requirements:

- Be a citizen or have permanent residency in Australia
- Be a current resident in NSW
- Be able to establish their identity
- Have a household income within specified limits
- Not own assets or property which could reasonably be expected to resolve their housing need
- Be able to sustain a successful tenancy, with or without support
- Repay any former FACS or community housing provider debt
- Be 18 years or older.

3.1.1 Specific eligibility

WHC has a number of housing programs that have requirements that are generally set by government. As a result, there may be different eligibility requirements for different programs and WHC staff will advise applicants about each specific program's requirements.

WHC has a number of properties that are designed for people with a physical disability, or for older people. WHC uses the Housing Pathways definition of an older person as being someone aged 55 years or above, or 45 years for a person who identifies as Indigenous.

3.1.2 Income eligibility

WHC houses tenants on very low, low or moderate incomes. These are defined as:

- Very low – less than 50% of the median income
- Low – between 50% and 80% of the median income
- Moderate – between 80 and 120% of the median income

The median income is reviewed annually and indexed according to CPI or pension indexation.

To be eligible for social housing, applicants have to satisfy the income requirements set out in the NSW Government social housing application system 'Housing Pathways'. All sources of income (wages, annuities, Centrelink or other social security payments and allowances etc.) must be declared and are included in the income assessment.

Income limits for affordable housing tenants vary depending upon the program. All sources of income must also be declared, but inclusion towards income assessment may vary depending upon the program. The WHC Access and Allocations Administrator can explain the particular eligibility requirements of each program.

Income limits are reviewed annually and are published on the following external websites:

- For social housing and transitional housing -
<http://www.housingpathways.nsw.gov.au/Ways+we+can+Help/Social+Housing/Social+Housing+Eligibility+and+Allocations+Policy+Supplement.htm#iel> Pathways
- For affordable housing –
<http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/For+managers+of+affordable+housing/>

3.2 Applications

An application form needs to be completed to enable WHC to determine someone's eligibility for housing.

Documentation to support an application (e.g. proof of citizenship or permanent residency, and recent payslips) is required before the application can be processed. Depending on the time the original application was made, WHC may require an update of the information before an offer of housing can be made.

In general, the following documentation as a minimum is required with the application form to enable income to be assessed for eligibility:

- Centrelink Statement – current statement
- Payslips – previous 3 payslips
- Tax statement – previous financial year
- Bank statement – current statement and generally covering the last 4 weeks
- Investment accounts – current statement

Under some circumstances, additional statements covering longer time periods may also be required.

All applications for general social housing, transitional housing and BlueCHP Affordable Social Housing must be made on the Housing Pathways Application form. The Housing Pathways Application form can be submitted to any social housing provider that participates in Housing Pathways.

Applications for all affordable housing (except for BlueCHP Affordable Social Housing) must be made on the WHC Application for Affordable Rental Housing form.

If applicants wish to be considered for both social and affordable housing, they will need to complete both forms.

Note: If an applicant accepts an offer of affordable housing, they may cease to be eligible for social housing as they will be deemed to be in stable, affordable and secure accommodation.

3.2.1 Waiting Lists

As properties become available, WHC will make offers of housing to applicants on different waiting lists:

- Housing Pathways Register for social housing properties - applicants on the Housing Pathways Register will be shortlisted according to their priority for housing. WHC will then offer the property to the first suitable applicant on the shortlist in order of their position
- Applicants for affordable housing will be housed from the WHC waiting list for affordable housing, or from applicants that apply as a result of WHC advertising on property websites. Housing offers will not necessarily be made on a date order basis as some programs require a spread of income bands or have other requirements
- Transitional housing and the Connect 100 program are allocated through the nomination of applicants by Specialist Homelessness Services (SHS).

Applicants for affordable housing may be placed on the waiting list after completing an *Expression of Interest for Affordable Rental Housing* prior to a full application being made. Applicants will then be contacted when a suitable property becomes available, but cannot be made an offer until a full application is received and income eligibility is confirmed.

The WHC Affordable Housing Waiting List is reviewed regularly, and applicants must indicate their continued eligibility for affordable housing to remain on the List.

3.3 Offers of Housing

3.3.1 Offers

Applicants who are offered housing can inspect the property before accepting or rejecting it. In general, there will only be two offers of housing made for social housing, and if both offers are rejected the client will be removed from the Housing Pathways Register.

There is no limit to the number of offers that can be made to affordable housing applicants.

All requirements of the housing program and conditions of the tenancy will be explained to the applicant at the time that an offer is made so that the applicant can make an informed decision.

Because of the significant demand for social and affordable housing properties, WHC requires applicants to advise of their decision within 2 days of viewing a property. Failure to do so will be classed as a rejection of the property by the applicant, and it will be offered to the next suitable applicant.

An applicant has the right to refuse an offer of housing if they believe it is unsuitable in meeting their housing needs. If the reasons for rejection are accepted, WHC will not count that rejection as one of the two permitted offers.

All reasons for rejection of an offer must be put in writing and received by WHC within 14 days of the offer being made, and an applicant should speak to WHC as soon as possible if they intend to reject an offer as unsuitable.

WHC will review rejection reasons and advise the applicant of the outcome in writing within 14 days. A rejection will be determined to be unreasonable on the part of the applicant if it is based on personal preference, for example not liking the area that the property is in, or what the property looks like.

3.3.2 Acceptance

When an applicant accepts an offer they must supply all supporting evidence of income and agree a move in date with WHC. As soon as practical, and within 5 days of accepting the offer, the tenant must sign a tenancy agreement. Generally, a tenancy will start on the day that the agreement is signed and keys to the property are provided. Rent also becomes payable from that date.

If a new tenant is required to provide notice of termination in relation to their current property which results in a period of overlap where they will be paying rent for two properties, WHC may agree to delay the tenancy start date. Agreement to such an arrangement must be given in writing by WHC.

WHC requires bond and 2 weeks advance rent to be paid before the keys to the property can be provided. See Bonds section below.

3.4 Tenancy Conditions

Further details of tenancy conditions are in WHC's Starting a Tenancy policy.

3.4.1 Rent payable

The rent payable varies depending on the program. See *Housing Programs offered by Women's Housing Company* for details. In general, transitional and general social housing tenants pay 25% of their income as rent and affordable housing tenants pay no more than 30% of their income as rent.

For all tenants, WHC collects 100% of any Commonwealth Rent Assistance (CRA) that the tenant receives from the Australian Government.

3.4.2 Bonds

All new tenants must pay 4 weeks of their rebated rent as a bond that will be held by the NSW Office of Fair Trading. This bond can be paid in 3 instalments over the first month of tenancy. In cases of hardship, tenants should speak to their Housing Manager, and depending on their circumstances may also be able to get some assistance from a support service. See Bond Payment Information form and WHC's Starting a Tenancy policy.

3.4.3 Lease period

WHC will explain the lease period to all potential tenants at the time of making them an offer of a tenancy.

Tenants of general social housing are generally on a continuous lease after an initial fixed term lease of 6 months. Before a tenant can be on a continuous lease they must, they must have paid the required bond, have demonstrated timely payment of rent and charges and generally have complied with the terms of their tenancy agreement.

Affordable housing tenants (including affordable social housing tenants) are on fixed term leases, generally of 12 months duration, which are renewed as long as the tenant continues to meet eligibility requirements and lease conditions.

Transitional housing tenants are on fixed term leases, from 4 weeks up to 18 months, depending upon individual circumstances. These are renewed on recommendation by the support agency.

3.4.4 Rent reviews

For tenants on a continuous lease, WHC reviews rents in May and November of each year. For those on fixed term leases, rents are generally reviewed at the end of the lease period. Any exceptions to this will be explained to the potential tenant prior to lease signing.

WHC will advise tenants in writing of any adjustment to their rent, and the date from which any change will take effect.

For further information on how rents are reviewed, refer to WHC's Keeping a Tenancy policy.

3.4.5 Non rent charges

Non rent charges include water, electricity, gas and repair charges.

All social, affordable and transitional housing tenants will pay for their own water usage. Refer to WHC's Keeping a Tenancy policy for details.

Energy costs (electricity and gas) are usually individually metered and managed by the tenant directly with the utility supplier. For a small number of properties, where there are common meters, WHC may levy a small charge to cover usage. This will be explained at the time of an offer of tenancy.

Where WHC has had to repair a household device or property fixture that is determined to have resulted from misuse by the tenant and not from normal wear and tear, then this charge will be levied to the tenant. See WHC's Repairs and Maintenance policy.

3.5 Share House Arrangements

WHC has a number of multi bedroom properties that are offered as a share house arrangement. Each tenant has their own bedroom but may need to share bathrooms, kitchens and living areas. Tenants who agree to live in share housing will have individual rental agreements with WHC.

4 Complaints and Appeals

4.1 Complaints

Applicants and tenants that have received a service from WHC can lodge a complaint about that service if they do not think that WHC has followed its own policies or met its published standards. WHC staff can assist applicants and tenants to make a complaint about the service and stakeholders and community organisations can also lodge complaints.

WHC will manage all complaints in a fair and transparent way to ensure that the organisation's service delivery is responsive to concerns raised by tenants.

All complainants will receive a written response from WHC about the outcome of the investigation of their complaint within 21 working days. For further information see the Complaints and Appeals policy.

4.2 Appeals

If an applicant or tenant does not agree with a decision made by WHC, or thinks that the decision is unfair, then they can lodge an appeal against that decision. The basis of an appeal may include any of the following reasons:

- Inadequate consideration was given to their individual circumstances
- The decision involved an inadequate interpretation of WHC policy
- The decision was made contrary to the WHC policy
- The procedure used to reach the decision was not fair and correct

All appeals should be made to WHC in writing. WHC will then review the decision and will inform the applicant or tenant in writing about the outcome of the review within 21 days of receiving the appeal.

If the applicant or tenant does not agree with the outcome of WHC's review they can then lodge a second tier appeal to the Housing Appeals Committee (HAC). HAC can consider appeals about decisions made by WHC in relation to its own services or policies.

For more detailed information about how WHC manages appeals, see the Complaints and Appeals policy.

5 Privacy and Confidentiality Statement

The Women's Housing Company will ensure that all applicant and tenant information is kept confidential and will not release any personal information to a third party without the prior written consent or approval of the tenant or applicant, or unless where WHC is lawfully authorized or required to do so.

WHC will ensure that any personal and sensitive information is not collected, used, stored or disclosed other than for the proper purpose of its service. From time to time, de-identified demographic information may be released to third parties for statistical purposes only.