

Eligibility

Overview

This policy explains the eligibility rules for social housing and how we will meet our contractual and legal duties.

Scope

This policy outlines the eligibility requirements for social housing properties managed by Muslim care.

Purpose

The policy is intended to:

- Make sure that people have access to housing and PRA products.
- Maintain a fair, needs-based assessment process and non-judgemental attitude to everyone who is applying for housing or PRA products.
- Make sure that people are not discriminated against on the grounds of ethnicity, gender, marital status, criminal history, physical and/or intellectual disability or sexual preference as per the Anti-Discrimination Act 1977.
- Provide an open and transparent application process.
- Make sure we work closely with support services to help people who are applying for housing or PRA products.
- Make sure that we meet our contractual and legal obligations.

Eligibility

To be eligible for social housing, applicants must generally meet the following requirements:

- Be a citizen or have permanent residency in Australia
- Be resident in New South Wales (NSW)
- Establish their identity
- Have a household income within the income eligibility limits for social housing
- Not own any assets or property which could reasonably be expected to resolve their housing need
- Be able to sustain a successful tenancy, with or without support
- If applicable, make repayments of any former debts to a social housing provider
- In general, be at least 18 years of age

In special circumstances, we may approve an application for housing where the applicant does not meet all of the above.

Eligible applicants

Eligible applicants may include

- General housing applicants
- Supported Housing applicants

General Housing

The same eligibility criteria apply for all applicants under Housing Pathways.

Applicants are assessed using the Social Housing Eligibility and Allocations Policy published on the Department of Communities and Justice (DCJ) website.

Supported Housing

Support services, as partners, will nominate potential tenants who are linked with support. Generally, nominated applicants must be eligible for Housing Pathways and have an active application on the NSW Housing Register. Additional eligibility criteria may also apply for specific housing programs.

Eligibility of former tenants

A former tenant is someone who previously lived in a property provided by us, or by another community housing provider (CHP) or Family and Community Services (FACS) 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 for Housing Pathways and be placed on the NSW Housing Register.

We will review an applicant's tenancy history with us, other CHPs or FACS and any private landlords to determine any conditions that the applicant needs to meet before we will make an offer of housing assistance.

Former tenants applying for housing assistance can expect us to:

- Explain any conditions that they need to meet
- Explain what we need to assess their application
- Explain the types of assistance available
- Explain why, if they aren't eligible
- Tell them about their right to appeal.
- Comply with laws and relevant policies relating to payment of debts and eligibility of former tenants.

When a former social housing tenant or occupant is included in an application for social housing (either the application is in their name or they are part of the household), the provider who managed the former tenancy will be contacted for a review the tenancy history. They will determine eligibility for social housing and any conditions that need to be met before a request for housing assistance can be approved.

If an ex-tenant of ours owes a debt of \$500 or less, we may list the applicant on the NSW Housing Register if there are no other conditions that they need to meet. If the debt owed is more than \$500, we will then suspend the application for 6 months unless the applicant repays the debt in full. We will not offer the applicant housing while the application is suspended. At the end of the 6 months, we will review the applicant's repayment history. If regular repayments have not been made, we will not make an offer of housing. The applicant will also be required to provide evidence that he/she has paid rent consistently to a landlord since leaving our housing.

Applicants are expected to repay the debt in full or make regular payments to reduce the debt before they are offered housing. If the applicant doesn't make regular payments, their name will be removed from the NSW Housing Register.

Applications from former tenants who have had their tenancy terminated because of 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 on purpose 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 adjoining premises

If approved, we may offer the person a fixed term lease. We will use this time to determine a tenant's ability to successfully maintain a tenancy. If after the completion of the fixed term period, we believe that the tenant can successfully maintain a tenancy, the tenant may be offered a continuous lease.

Tenancy Reinstatement

Former tenants that are approved for tenancy reinstatement will have their application prioritised when they re-apply for housing.

To be eligible for tenancy reinstatement the former tenant must be able to prove the following:

- They meet the eligibility criteria
- They vacated their property due to any of the following reasons:
 - i. they were under duress
 - ii. they had to move into a residential care facility
 - iii. they were placed in a custodial facility (e.g. prison) or
 - iv. themselves, a household member or a family member required care
- They made an application to their former housing provider for tenancy reinstatement within six months of vacating their property (except for custodial sentences of three years or less where the former tenant can apply within six months of their release from custody).

When assessing applications for tenancy reinstatement, we will consider the following where applicable:

- If the tenant vacated the property without giving notice, was it reasonable to vacate the property without notice? Did the circumstances force the tenant to vacate without giving notice?
- Did the tenant previously contact their housing provider about their situation?
- Did the tenant consider options other than vacating?
- Did the housing provider ask the tenant to relinquish their tenancy because they were going to a residential care or custodial facility?
- Could the decision to vacate have been delayed?
- Was it reasonable to vacate under the circumstances?

Former tenants will need to provide documented evidence to show their need to vacate the property. The type of evidence required will vary depending on the reason for vacating the property. For example, if the tenant vacated because of being at risk they would need to supply documents as noted in the High Priority – At Risk category for eligibility.

Private Rental Assistance

We are responsible for assessing eligibility for, and facilitating access to, PRA products in the Northern Region. We will administer these products as per the FACS Private Rental Assistance Policy and Private Rental Assistance Policy Supplement.

Decisions regarding PRA products will be made by the Team Leader, Housing Pathways, Northern Region, or higher.

Appeals

Tenants may lodge an appeal about a decision relating to their eligibility. Refer to our Appeals policy for further information.

Policy Information

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