

Scope

This policy outlines the eligibility requirements for general and supported housing managed by Pacific Link Housing Limited (PLH). For affordable housing eligibility, please refer to the Affordable Housing policy.

Purpose

The policy is intended to:

- Ensure equitable access to housing for people who are eligible.
- Maintain a fair, needs-based assessment process and non-judgemental attitude to all applicants.
- Ensure an individual's rights will not be discriminated against on the grounds of ethnicity, gender, marital status, criminal history, physical and/or intellectual disability or sexual preference according to Anti-Discrimination legislation.
- Provide an open and transparent application process.
- Ensure that PLH can work closely with support services to have a more holistic approach when addressing issues related to the applicants.
- Meet the requirements of funding bodies for eligibility for community housing and other housing programs.

General Housing Eligibility

To be eligible for social housing an applicant must meet all of the following criteria:¹

- 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
- 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 a former tenant of public or community housing, make repayments of any former debts to Housing NSW or the relevant community housing provider (rent and non-rent)
- The person entering into the tenancy agreement must generally be 18 years of age or older.
- Be registered on Housing Pathways with a LIVE application status.

Details of how each of these Eligibility Criteria are administered, evidence requirements and where exceptions may be made are in the Family and Community Services (FACS) Social Housing Eligibility Allocations Policy Supplement at the link below

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

Categories of Eligibility

Eligible applicants may be grouped under the following categories:

- General Housing applicants
- Emergency Temporary Accommodation applicants
- Priority Housing applicants

¹ Source: Community Housing Division Eligibility Policy 2014

- Support Partner Nominated applicants

Tenants requesting transfer will be assessed on the same basis. Additional eligibility criteria for transfers are that the applicant has a history of sustaining a successful tenancy and has had no prior breaches of tenancy agreements with PLH, another community housing provider or Housing NSW. Refer Housing Transfers Policy.

Emergency Temporary Accommodation Eligibility

PLH does not offer Emergency Temporary Accommodation, however, we can facilitate a person's needs by referring them to FACS Link2home service or local crisis accommodation agencies where they are in an extreme situation.

An urgent need for temporary accommodation may exist where a client:

- Cannot live in their home because it is uninhabitable due to natural disasters such as fires, floods, earthquakes or storms.
- Cannot live in their home due to a domestic violence situation, which places them, or a child, at risk of harm.
- Has removed a child at risk of abuse from the family home.
- Has custody of children and is homeless.

When assessing the client's application, FACS will consider the following factors:

- Whether the client's urgent housing need can be met by providing Rentstart or Temporary Accommodation.
- Whether the client has the ability to resolve their housing need themselves.
- Whether the client can live with family or friends.
- Whether the client has been homeless before and, if so, how many times.

Priority Housing Eligibility

To be eligible for priority housing, applicants must meet the general criteria and all three of the following criteria:

1. Eligible for social housing, and
2. In urgent need of housing, and
3. Unable to resolve that need themselves in the private rental market.

An applicant may demonstrate that they have an urgent housing need if they are experiencing one or more of the following:

- Unstable housing circumstances, and/or
- At risk factors, and/or
- Existing accommodation is inappropriate for their basic housing requirements.

Details on the evidence requirements for Priority Housing are in the FACS Social Housing Eligibility Allocations Policy Supplement.

Supported Applicants

Allocations may be made for applicants by a PLH Support Partner with nomination rights to propose potential tenants who are linked with their support services. Properties with nomination rights may include shared living arrangements, or group homes, managed in conjunction with a Support Partner.

These applicants must meet social housing eligibility requirements, be listed on the NSW Housing Register and meet the requirements of the relevant Support Service Partnership

Agreement. Tenants must be supported by, and remain engaged with, the Support Partner through the period of the tenancy, generally 12 months. Applicant allocations are documented and approved consistent with PLH policy and applicants must sign a Residential Tenancy Agreement with PLH and a Supported Tenancy Agreement. Where appropriate, special conditions relating to shared living arrangements are included as an addendum to the individual tenancy agreement.

Eligibility of Former Tenants

A former tenant is someone who previously lived in a property that was owned or managed by PLH, other community housing providers (CHPs) or FACS Housing and has since vacated the property. Former tenants of PLH, other CHPs or FACS may apply to be on the NSW Housing Register. To be approved, former tenants must meet the current eligibility criteria for Housing Pathways and re-establish their position on the NSW Housing Register. A review of the applicant's tenancy history with PLH/other CHP/FACS and any private landlords will be used to determine any conditions that need to be met by the applicant before an offer of housing assistance will be made. Former tenants applying for housing assistance can expect PLH to:

- explain any conditions that need to be met to enable the applicant to be eligible for housing
- explain any of the documentation required to confirm eligibility
- explain the types of assistance available
- explain why they are ineligible for an offer from PLH until agreed conditions are met
- advise them of their right to appeal.
- comply with legislation and relevant policies with respect 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 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 PLH owes a debt of \$500 or less, PLH may list the applicant on the NSW Housing Register provided there are no other conditions that they must first meet. If the debt owed is more than \$500, PLH will suspend the application for 6 months unless the applicant repays the debt in full. The applicant will not be offered housing while the application is suspended. At the end of the 6 months, PLH will review the applicant's repayment history. If regular repayments have not been made, PLH will not make an offer of housing. The applicant will also be required to provide evidence that rent has been paid consistently to a landlord since leaving former housing. Applicants are expected to repay the debt in full or make regular and ongoing payments to reduce the debt prior to an offer being made. If the applicant fails to maintain regular payments, their name will be removed from the NSW Housing Register.

Applications from former tenants who have had their tenancy terminated on the grounds of having caused serious damage on purpose or by behaving recklessly, having caused injury to the landlord, someone acting on the landlord's behalf or someone in adjoining premises will be considered on a case by case basis. If approved, former tenants may be offered a fixed term lease. PLH will use the fixed term to determine a tenant's ability to successfully maintain a tenancy. If after the completion of the fixed term period, PLH considers that the tenant can successfully maintain a tenancy, the tenant may be offered a continuous lease arrangement.

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:
 - they were under duress
 - they had to move into a residential care facility
 - they were placed in a custodial facility (e.g. prison) or 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, PLH 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 substantiate their need to vacate the dwelling.

Making a Housing Application

Housing Pathways is the way applications for social housing assistance are processed in NSW. It is a partnership between FACS, including the Aboriginal Housing Office, and participating CHPs. Housing Pathways provides:

- a consistent, streamlined way to apply for housing assistance
- a common assessment process
- a single waiting list known as the NSW Housing Register.

The [Housing Pathways](#) strategy is to create a system with “no wrong doors”. This means that through any Housing Pathways provider – whether FACS Housing or a participating CHP – people can find out about all the options available to them for housing assistance, submit or change an application, enquire about its progress or request a transfer. As a result, clients can access a wider range of opportunities and make informed choices.

Housing Pathways is the central housing register for all community and social housing in New South Wales. Applying or updating details through Housing Pathways is now easier and simpler. Applicants can choose to make an enquiry, apply or update details; online, by phone or go to any participating CHP (like Pacific Link) or social housing provider or through their local FACS Housing Office. When applying, clients will be asked a series of questions to assess their situation and needs.

The FACS Housing Pathways application form and applicant information package is available from the PLH office or by fax, e-mail, or down loading it from the Pathways website or www.pacificlink.org.au. Interviews can be arranged for applicants who would like to explain their needs and discuss their options further or where PLH believes that this will assist the application process.

While Pacific Link Housing will provide information and support to assist in making housing applications, it should be understood that a lengthy waiting list for housing exists and that no firm time frame can be given for housing allocation. Information on waiting times is available from FACS on the link below:

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

Housing assistance from FACS Housing, with a PLH support partner or a refuge may be an appropriate referral for those who are homeless. All applicants who are homeless or at risk of homelessness or who are experiencing or at risk of experiencing domestic violence or have children at risk are given information and telephone contacts of other agencies and accommodation options that may be able to assist. Applicants will be offered the opportunity to use PLH interview rooms to access phones and computers. Assistance with interpreting will be provided through the Telephone Interpreter Service. If the situation is very urgent, PLH may act as advocate by making the appropriate telephone contacts for the client to find immediate shelter if possible.

Documentation Required for Applications

Documentation such as Medicare and Centrelink numbers will be requested to confirm identity. To prove that they have been unable to find accommodation in the private rental market, applicants should complete a Pathways Rental Application Diary that documents private properties applied for, copies of applications made and contact details of real estate agents. PLH may contact a random selection of the real estate agents to verify rental applications.

PLH will search Housing Pathways to confirm no previous application has been lodged. If an application form or supporting documentation is incomplete PLH will contact applicants asking for further information. Incomplete applications will remain suspended in Housing Pathways until the application form and supporting documentation is provided by the applicant or is closed after 28days.

Application Approvals

PLH must assess each application in line with Pathways criteria and determine the application status as Emergency, Priority or General. Completed applications will be confirmed by a letter of acknowledgement sent within 48 hours.

Waiting List Management and Changes of Circumstances

Applicants are required to inform PLH, FACS Housing or any other CHP if their circumstances change (including name, address, phone, work status, income, births, preferred locations etc.) which will affect their eligibility or housing need and provide supporting documentation. Changes must be notified within 28 days. Re-assessment of applications may be conducted.

Under the Managing the NSW Housing Register Policy it is the clients' responsibility to provide up to date contact details and accurate information and to respond to requests relating to their

application. Where they do not, their application will be closed and they will be removed from the waiting list. More information is available at the following link:

<https://www.facs.nsw.gov.au/housing/policies/managing-nsw-housing-register-policy>

PLH can ask clients to provide updated information at any time while they are on the waiting list. If there is no response to phone calls or number is disconnected PLH will send a letter requesting contact details and change the applicant's status on the waiting list to "Suspended". If no response is received after 28 days, the application will be removed from the waiting list.

Where applicants engage in unsatisfactory behaviour towards PLH staff or contractors they may become ineligible to remain on the list. Other circumstances in relation to offers of housing may result in removal from the waiting list. FACS Housing undertakes annual reviews of the waiting list to ensure application information is up to date. All applicants, on the anniversary of their application date, are sent a postcard, SMS or email requesting update and reply within 14 days and advising that if no response is received they may be removed from the list. The update form contains the basic information related to the application. If there is no change of circumstances, the applicant must sign off and return the slip to keep their application active. If new documents are provided a reassessment will be activated. If eligible applicants do not return the reply slips within 14 days, their applications will be closed and removed from the waiting list. Applicants removed from the waiting list will be sent a letter informing them that they have been removed.

When an application is closed, a client may request to be re-listed on the NSW Housing Register. In this case the client will need to submit a new application and their waiting time will commence from the new application date. There are some situations where PLH may agree to reactivate a closed application and start the client's waiting time from the registration date of the closed application. In these situations there are specific criteria and supporting evidence requirements for reactivation.

Conflict of Interest

PLH employees, directors, or their friends or relatives who apply for housing will not be disadvantaged or privileged by their position. They must declare any conflict of interest (refer PLH Code of Conduct – Conflict of Interest) and will be treated as the other applicants in accordance with PLH and FACS policy. The employees or directors concerned will under no circumstances take part in the application or any allocation process and mitigation plans will be put in place to manage conflicts of interest.

Appeals

If a client believes PLH has made the wrong decision they should ask for a formal review of the decision. To do this a client needs to complete an appeals form stating why they disagree with the decision – refer PLH Appeals and Complaints Policy.

Craig Brennan

Craig Brennan, CEO November 2018