

Tenant eligibility reviews

NSW Affordable Housing Program (AHP)

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1. Coverage

This section covers the rent-setting and income eligibility review process for tenants of the following NCCH programs:

- Affordable Housing Program (AHP)

For information relating to access to and eligibility for affordable housing assistance, see [Access to affordable housing procedures](#).

For information relating to tenant eligibility reviews for the National Rental Affordability Scheme (NRAS), see [NRAS Tenant Eligibility Reviews](#).

2. Rent setting

2.1 Agreement provisions

The rents of AHP properties are set in accordance with the relevant State guidelines and agreements (NSW Affordable Housing Guidelines).

The market rent (and discounted market rental value) for all properties covered by the AHP are reviewed annually.

2.2 Information for tenants

All AHP tenants are provided with information about the relevant rent-setting policies and the annual reviewable nature of their tenancies with NCCH by:

- Information, including factsheets, provided during the property advertising process
- Further written information provided to tenants, and discussion of this information, as part of the standard NCCH resident sign-up procedures
- Ensuring that tenants are immediately notified of any program changes or updates through regular newsletters, company website promotion and through direct mail.

3. Annual review process

3.1 Timing of review

NCCH conducts an annual eligibility review for all AHP tenancies. As part of this review, each household will be required to demonstrate to NCCH that they continue to meet the income eligibility guidelines for the relevant program.

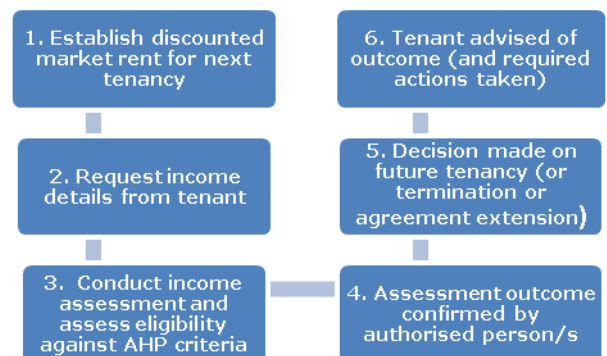
These reviews are completed within the tenth month of each annual fixed-term tenancy.

Unlike the social housing income reviews, continued eligibility will be based on the total income received by each household in the preceding 3 month period. This figure is then annualised, in order to re-establish eligibility.

Table 1: Procedural timelines for annual AHP reviews

(By) Week of agreement	Completed actions by this time
Week 35:	<ul style="list-style-type: none"> ○ New discounted market rent determined
Week 36:	<ul style="list-style-type: none"> ○ Tenant sent notice of review and information requested
Week 38:	<ul style="list-style-type: none"> ○ Information returned by tenant (and followed up, if required)
Week 40:	<ul style="list-style-type: none"> ○ Assessment completed and eligibility determined
Week 41:	<ul style="list-style-type: none"> ○ Tenant notified of outcome ○ If ineligible, termination notice issued under section 84 of the Act (or extension agreed)
Week 50:	<ul style="list-style-type: none"> ○ If eligible (or extension agreed if ineligible), new agreement signed
Week 52:	<ul style="list-style-type: none"> ○ If ineligible and no extension agreed, tenant has vacated tenancy or NCAT action immediately commenced

3.2 Overview of process



3.3 Notification to Tenants

AHP tenants are sent an advice letter, attaching a Household Income Questionnaire (HIQ). The HIQ must be completed by the tenants, including the income received by all residents currently living permanently at the property.

Proof of income documents must be provided, as outlined in the written advice.

The HIQ and all required verification documents must be returned by the tenant within 14 days.

3.5 Returned documents

When documents have been returned to the office, they are date stamped.

Tenant eligibility review

If the tenant requests a copy of the completed application, staff will photocopy all documents provided.

When an HIQ form is submitted, all signatories to the Residential Tenancy Agreement are required to sign the HIQ form before the application is assessed by NCCH.

NCCH will check the signature/s on the HIQ form with the tenants' signatures on the tenancy agreement.

4. Eligibility assessment

4.1 General

The eligibility of the tenant will be assessed against the relevant criteria and the current income eligibility limits as defined by the NSW Affordable Housing Guidelines. In relation to ongoing eligibility, these are:

These are:

- Gross household income cannot exceed the relevant limits, as set by the AHP Guidelines; and
- Tenants should not have assets, including home ownership, that could reasonably be used to resolve their housing circumstances; and
- Tenants must be able to sustain their tenancy, with or without support.

Eligibility assessments must be completed within 7 days of the receipt of all required documents.

NCCH will calculate the combined gross income for all residents as provided and assess eligibility against the current eligibility criteria for each household type.

The assessment will be recorded, dated, printed and signed by the reviewer.

4.2 Further documentation required

If further documentation is required, the tenant will be immediately contacted to seek provision and confirm the request in writing.

The tenant is given no longer than seven (7) days to return the required documentation.

If the required information is not returned, the tenant is issued with a termination notice, under section 84 ("end of fixed term") of the Residential Tenancies Act (NSW) 2010.:

- the end date of the current fixed term agreement.

4.3 Changes in households

Resident Has Moved in to Tenancy

If a tenant reports that an income-earning person is a resident of the household (and this has been previously unknown to NCCH), the tenant should complete the NCCH Additional Resident form.

Resident Has Moved From Tenancy

If a tenant reports that an income-earning resident of the household has vacated, evidence must be produced by the tenant. Documentation should be provided by the tenant confirming the resident's new address, such as a Centrelink statement, utility bills or rent receipts.

The remaining household members must provide the usual documentation required for an eligibility review.

Tenant advises of household changes during review period

In situations where a tenant advises of household changes during the eligibility review period, continuing AHP eligibility will be assessed on the income of the most likely household composition at the time a new agreement is (potentially) offered.

5. Confirming eligibility

5.1 Tenant Eligible for further agreement

If the tenant is eligible for a further tenancy with NCCH, the tenant is advised in writing and arrangements are sought for a further fixed-term residential tenancies agreement to be signed by the tenant.

The tenant is required to sign the new agreement, prior to the expiration of the current agreement. Under Program conditions, NCCH cannot allow the current fixed term agreement to expire, without either:

- the tenant signing a new agreement with NCCH; or
- NCCH having issued a Notice of Termination (under section 84 of the Act).

If an eligible tenant has been given a new agreement but has not attended the office to sign the new agreement and:

- (it is prior to the expiration of the current agreement), the tenant is immediately issued with a Termination Notice; or
- (it is after the expiration of the current agreement), the tenant is immediately issued with a letter confirming the intention of NCCH to terminate the agreement. This letter ensures NCCH compliance with the procedural fairness provisions of Sections 143 of the Act.

If the tenant appeals within the 30 day period provided, the matter is handled according to the NCCH Client Appeals procedures

If the appeal is declined or the tenant does not appeal within the 30 day period, a termination notice is immediately issued in accordance with the Act.

NCCH will ensure that all relevant correspondence includes any reason that NCCH has decided to terminate the agreement.

5.2 Tenant Ineligible for further agreement

Offer second review

If the tenant is ineligible for a further AHP tenancy, based on the evidence provided about gross household income during the 3 month period, the tenant should be given the opportunity to provide a full 12 months of income.

In such cases, NCCH will contact the tenant directly and explain that, based on the information provided, NCCH has assessed the tenant as being ineligible for a further tenancy. Therefore, prior to making a final decision, NCCH is willing to consider their total household income over a full 12 month period.

If the tenant wishes to participate in a second review:

- the tenant must provide with no more than 7 days to provide the information to NCCH;
- Use the same end-date for the period, as specified in the initial 3 month review.

NCCH will reassess eligibility and prepare eligibility documents in the same manner as detailed above.



NCCH acknowledges the Bundjalung, Arakwal, Gumbaynggir and Yaegl peoples who are the traditional custodians of the land that comprises the Northern Rivers.

Tenant eligibility review

If the tenant does not provide the information by the due date, the tenant is assessed as being ineligible for a further agreement with NCCH.

Tenants who are ineligible on the grounds of property ownership are not provided with the opportunity for a second review.

6. Extension for ineligible tenants

The Affordable Housing Guidelines (NSW) allows for NCCH to consider the circumstances of current tenants where they no longer meet the eligibility criteria. Such circumstances include:

- The high cost of alternative housing;
- The probability of the household having saved enough to afford alternative housing;
- The need for a particular suburb for employment, schooling or medical needs

If the tenant is not eligible for a further tenancy with NCCH, the tenant can be considered for a further extended agreement period. An extension of up to 12 months can be granted.

All ineligible tenants should be treated fairly and awarded due process and natural justice. This includes NCCH making clear all reasons used for assessing the client as ineligible for a further AHP tenancy.

The following process should be followed for all AHP tenants deemed eligible for a new AHP agreement.

Extension (Further Fixed-Term Agreement Provided)	Notification Advice
No extension (tenant will need to vacate at end of current fixed term period)	<ul style="list-style-type: none"> ○ A letter is sent to the tenant, providing information about the household income assessed by NCCH as compared to the current AHP eligibility limits; and ○ A Termination Notice is issued under section 84 of the Act.
Extension granted	<ul style="list-style-type: none"> ○ A notice is sent to the tenant ○ The tenant is provided with a new fixed-term agreement in accordance with the approved extension. ○ A Termination Notice under section 84 of the Act is provided to the tenant upon signing their new agreement with NCCH

6.1 New agreement not signed

If an eligible tenant has been given an agreement extension but has not attended the office to sign the new agreement and:

- (it is prior to the expiration of the current agreement), the tenant is immediately issued with a Termination Notice:
- (it is after the expiration of the current agreement), the tenant is immediately issued with a letter confirming the intention of NCCH to terminate the agreement

If the appeal is declined or the tenant does not appeal within the 30 day period, a Termination Notice is issued in accordance with the Act. In matters where a Termination Notice has been issued, ensure that the letter includes the reason that NCCH has decided to terminate the agreement.

All Termination Notices will be issued in accordance with the NCCH delegated authorities.

7. Documentation required

All documentation provided will be retained on the tenant's file including:

- Letter of notification of income review
- Completed and signed HIQ
- All verification of income documents
- Any further documentation, e.g. requests for further documentation, evidence of residents having left accommodation, termination notices, etc.
- A copy of the eligibility assessment
- Letter of notification of income review outcome to tenant

INFORMATION	
Title	AHP tenant eligibility reviews
Section	Housing Services
National Regulatory Code Evidence Guideline	Performance Outcome 1: Tenant and Housing Services
National Community Housing Standard	Standard 1.4 Ending tenancies
Last review	29 June 2015
Next review	29 June 2017
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