

Access to social housing

Housing Pathways and the NSW Housing Register

Housing Pathways means that clients can apply for housing assistance by completing a single application form and lodging it with any housing provider in NSW.

NCCH is a participating social housing provider under Housing Pathways and therefore provides most forms of social housing assistance under this system.

When a client is eligible for social housing, NCCH will place them on the NSW housing register. Housing NSW and participating community housing providers, including NCCH, will then use this register to offer housing when a suitable property in the social housing sector is available.

The intent of this policy is to outline the eligibility criteria for social housing in NSW, The Social Housing Eligibility and Allocations Policy Supplement for Housing Pathways, available from the Housing Pathways website, provides further information to support this document.

Eligibility for Social Housing Policy: General

Eligibility for social housing

To be eligible for social housing, clients must:

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

Citizenship or permanent residency

Clients applying for social housing must be Australian citizens, permanent residents, or New Zealand citizens granted the Special Category Visa who are not under a sponsorship arrangement. Clients who can apply for social housing also include those that:

- Arrived on their parents' passport, or
- Came to Australia on the Assisted Migrants Passage (1945-1973), or
- Have been granted Onshore Permanent Protection Visa's, or
- Have a New Zealand passport (providing they are not under a sponsorship arrangement).

NCCH expects clients to provide proof of citizenship or permanent residency.

Residence in New South Wales (NSW)

Clients applying for social housing must live or work in NSW. However, social housing providers may waive the NSW residency rule in certain circumstances.

Establishing identity

Clients must establish their identity by providing two forms of acceptable identification. They must also provide proof of identity for each person on their application who is 18 years or over.

Applicants who are under 18 years of age

Generally, an applicant must be at least 18 years of age before a provider can consider them for social housing. However, NCCH will consider applicants under 18 if:

- They meet all the general eligibility criteria for social housing; and
- They have an income; and
- Social housing is the best way to meet their accommodation needs; and
- NCCH is satisfied they are able to meet tenancy obligations.

The preferred model for housing clients under 18 years of age will be in a formal supported housing partnership with support service providers. [SEE SUPPORTED HOUSING PARTNERSHIPS.](#)

Where a child is not eligible for social housing, NCCH will make a referral to Community Services for alternative accommodation and support services for the child.

In situations where NCCH has reasonable grounds to suspect that a child or young person is at risk of harm, they will act in accordance with the [CHILDREN AND YOUNG PEOPLE AT RISK POLICY.](#)

Applicants in prison

Applicants in prison are able to apply for social housing and must meet the normal eligibility criteria.

Former social housing tenants

NCCH classifies former social housing tenants in the same manner as FACS (Housing NSW).

To be eligible for a tenancy statement, former social housing tenants must:

- Not have breached their tenancy agreement, and
- Have a current nil or credit balance on all linked accounts (rent, water, repairs and former tenancies), and
- Have a satisfactory payment performance in respect of those accounts for the 12 months prior to the eligibility assessment for a tenancy statement.

Access to social housing

Former tenants who were evicted (or left under threat of eviction) after their tenancy was terminated under Section 143 or 148 will be eligible for a tenancy statement provided they do not have other breaches outlined in the other categories listed in this policy.

Satisfactory former social housing tenants

This category applies to former social housing tenants who did not breach their former tenancy agreement. It also applies to former tenants who moved out of social housing owing the provider less than \$500 in rent, repairs, water usage or other charges.

Former satisfactory tenants will be eligible for a statement of satisfactory tenancy once they have fully repaid any outstanding debts to the provider, and if they also have a satisfactory payment performance for the 12 months prior to their assessment for a statement.

Less than satisfactory former social housing tenants or occupants

Less than satisfactory former social housing tenants include those who:

- Left the property of their own accord (without being evicted or being under threat of eviction or under a current Notice of Termination), or
- Left the property through termination action under Section 143 and 148 of the *Residential Tenancies Act 2010* (or Section 63B and 63F of the *Residential Tenancies Act 1987*), and:
- Moved out owing the provider more than \$500 in rent, repairs, water usage or other charges, or
- Abandoned the property, or
- Left the property in an unsatisfactory condition, or
- Had substantiated complaints of serious nuisance and annoyance during their tenancy.

Substantiated nuisance and annoyance is defined as:

- An order obtained from the NSW Civil and Administrative Tribunal that a tenant had breached their tenancy agreement on nuisance and annoyance grounds, or
- Written verification from the Police under the Memorandum of Understanding that the tenant had breached their tenancy agreement, for example, disturbing the peace while on the residential premises

When serious nuisance and annoyance occurs, the local Area Manager must determine if the offending behaviour is due to an intellectual or psychiatric disability which could be addressed by the provision of adequate support from the appropriate support agency.

If there were substantiated complaints of serious nuisance and annoyance by an additional occupant they will be categorised as a less than satisfactory former social housing occupant.

Unsatisfactory former social housing tenants

Unsatisfactory former tenants include former tenants who:

- Were evicted from their previous tenancy due to a breach of the tenancy agreement, or
- Had their tenancy terminated in accordance with a NSW Civil and Administrative Tribunal order and were signed to a new tenancy agreement, or

- Vacated before an Order of Possession to evict them was enforced for a breach of the tenancy Agreement, or
- Vacated before an Order of Possession was obtained and had substantiated complaints of nuisance and annoyance that the Area Manager approves as sufficient to justify the classification of Unsatisfactory, or
- Are "repeat" less than satisfactory tenants (that is, they have moved out of a social housing property more than once and on more than one occasion were assigned a less than satisfactory category), or
- Had substantiated complaints of nuisance and annoyance and were evicted, or
- Had substantiated complaints of nuisance and annoyance (as defined above) and vacated before an Order of Possession to evict them was enforced.

Former tenants who were evicted or vacated under threat of eviction based on terminations under Section 143 (not eligible to reside in social housing) and Section 148 (the tenant rejected an offer of alternative social housing), or previously under the *Residential Tenancies Act 1987* (Section 63B or 63F), will not have this eviction action included in the former tenant category assessment.

Ineligible former social housing tenants

Former tenants who are ineligible for social housing include those who were evicted for extreme breaches of their tenancy agreement, who vacated before an Order of Possession for an extreme breach could be enforced, or who vacated before an Order of Possession was obtained for an extreme breach that has been substantiated by written verification from the police under the Memorandum of Understanding.

Extreme breaches may include:

- Illegal activities carried out by the tenant or a member of their household on the social housing premises. Conducting an unauthorised business is an illegal use of the premises however it is not an illegal activity unless the business itself is unlawful.
- The tenant or a member of their household was convicted of arson or deliberate damage of a social housing property.
- Physical attacks or serious verbal threats directed at neighbours or social housing staff made by the tenant or a member of their household.

Only the NCCH Chief Executive Officer can determine whether a former social housing tenant is ineligible for social housing due to a serious breach of their previous tenancy.

In cases where the former tenant lived in an Aboriginal Housing Office property, the Chief Executive Officer of the Aboriginal Housing Office will determine whether the former tenant is ineligible for further housing assistance following advice from the social housing provider.

In regard to Aboriginal former tenants, the Chief Executive Officer of the Aboriginal Housing Office will provide advice but the final decision about ineligibility for housing rests with the social housing provider.



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Income eligibility

Assessment

To determine whether a household meets the income eligibility for social housing, NCCH will:

- Assess income eligibility according to the applicant's household size, type and gross assessable household income.
- Apply a number of income eligibility limits and assessment rules.

Minimum Income

There are no minimum income criteria. Permanent residents with no income are able to apply. Where a client declines to apply for a Centrelink income, NCCH will assess the client as receiving a basic Centrelink income support payment, for example, Newstart Allowance.

Disability allowances

Clients or household members who have expenses due to a disability, medical condition or permanent injury may be entitled to a disability allowance or exceptional disability allowance. These allowances have the effect of raising the income limit in recognition of additional expenses incurred with a disability, medical condition or permanent injury.

Exception to the income eligibility rule

An exception to the income eligibility rule occurs when a client who requires a line-in carer meets all the eligibility criteria for social housing, but the inclusion of the income of the carer results in the application exceeding the income eligibility limit for social housing. If NCCH approves their application, the client will be entitled to an extra bedroom for the live in carer.

If the carer is receiving a Carer's Pension or Carer's Allowance, no further proof of being a carer is required.

If the client accepts an offer of housing, the carer cannot sign the tenancy agreement and will have no tenancy rights. This means that the carer will be required to leave the property if the client stops living in the property for any reason. The carer's income will be included in the assessment of the household's gross income for rent subsidy purposes.

Indexing income eligibility limits

On behalf of the social housing sector, Housing NSW reviews and indexes all household income eligibility limits, including disability allowances, to keep pace with the cost of living.

Assessing income and assets

NCCH will use the gross assessable income of the household when calculating income eligibility for social housing.

When applying for social housing a client must provide proof of all assessable income received by all household members aged 18 years and over. Proof of income must be original documents or can be through the Income Confirmation Scheme for Centrelink income.

Assessable Income

Assessable incomes are incomes that social housing providers include when calculating income eligibility for social housing. Incomes that NCCH usually consider as assessable include payments received for general living expenses, for example:

Most pensions, benefits and allowances paid by Centrelink and the Department of Veterans' Affairs. (These income types are also known as statutory income).

- Wages, salaries and some work allowances such as overtime, bonuses, shift allowances and penalty rates. (These income types are also known as non-statutory income).
- Other income such as regular superannuation, compensation, interest from savings and maintenance. (These income types are also known as non-statutory income).

Where an adult person in a household receives an income for a child (for example, Family Tax Benefits or child support payments), this is considered assessable income for the adult person, not the child.

Non-assessable income

Non-assessable incomes are incomes that social housing providers do not include when calculating income eligibility for social housing. Incomes that providers usually consider as non-assessable include payments received for a specific purpose, such as allowances received to assist with a particular life circumstance or disability.

Income for self-employed clients

NCCH calculate the income for self-employed clients by looking at their gross income less legitimate business expenses. NCCH classes legitimate business expenses as any expense essential for producing an income. Some items may be allowable as tax deductions, but NCCH may not consider them legitimate business expenses.

If, when the income is calculated, it results in the income being below the standard rate of Newstart Allowance, then NCCH will assess the applicant's income at the Newstart rate.

Clients who own or part own property or real estate

If the client or their partner owns or has a share in a property that could provide a viable alternative to social housing, they are not eligible for social housing if they are able to:

- Live in the property, or
- Sell their equity in the property.

Housing Pathways policy allows for the property ownership rule to be waived in certain cases.

Relocatable homeowners

Owners of relocatable mobile homes, which are located on a leased site, are able to apply for social housing. They must meet all eligibility criteria and NCCH will consider the value of the relocatable home as a liquid asset, for example, savings.

Ability to sustain a successful tenancy

To be eligible for social housing with NCCH, the client must be able to sustain a successful tenancy. This means that they must be able to meet the obligations of their tenancy, with or without support. When determining whether social housing is the most appropriate housing option for an applicant, NCCH will consider whether the applicant is able to:

- Pay their rent, and
- Look after their property, and
- Not create a nuisance and annoyance to their neighbours, and



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- Live independently with, or without support, and
- Live in the property on an ongoing basis.

Where the client needs support to maintain a tenancy, they must show that they have access to appropriate support services. NCCH will make appropriate referrals to other agencies in situations where the client has not accessed available support services.

If there are concerns about a client's ability to live independently, NCCH will request permission from the applicant to obtain:

- A living skills assessment from an external support agency, or
- An independent living skills report from their support worker.

Where a client requires ongoing support from agencies in order to sustain a tenancy, the preferred model for housing the client will be in a formal supported housing partnership with the agencies. See Section 5.2 Supported Housing Partnerships.

Clients with urgent or complex housing needs

Clients may have urgent or complex needs which they are unable to resolve themselves. NCCH will make every reasonable endeavour to interview all clients with indicators of complex or urgent needs and may consider them for a referral for emergency temporary accommodation or with priority assistance.

NCCH will ensure that they deal with the specific needs of the client in a sensitive manner.

Priority housing assistance

Priority housing aims to meet the urgent housing needs of applicants who require long-term housing assistance. To be eligible for priority housing, applicants must meet all three of the following criteria:

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

To be eligible for priority housing, an applicant must meet the general eligibility criteria for social housing, as outlined above.

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

Unable to resolve need in the private rental market

NCCH will assess an applicant's ability to resolve their urgent housing need in the private rental market by considering a number of factors that may make it difficult to rent privately. Examples include the applicant's housing requirements, availability and affordability of private rental accommodation, and the applicant's personal or medical circumstances.

Evidence requirements for priority housing

An applicant must provide evidence to support their application.

Locational Needs

Due to the demand for housing and limited supply options in certain areas, not everyone who wants to live in a high demand area can be housed in their preferred area. Clients who may need priority assistance require urgent housing ahead of other people on the NSW housing register. Their need for secure, affordable housing in the shortest possible waiting time is their primary need. Their need for a particular area represents a secondary need that should not take precedence over their urgent need for housing. The exception to this exists where a client can demonstrate that living in a high demand area is necessary for their physical or mental health.

NCCH will apply a locational need assessment to clients who:

- Need priority assistance; and
- Want to live in an area of high demand with limited housing options.

Where NCCH is assessing a client for priority housing and the client has requested a high demand area, the client's locational need to be housed in a high demand area will also be assessed.

To be eligible for housing in a high demand area the client, or a member of their household, must have:

- An ongoing medical condition or disability (for more information, go to Ongoing medical condition or disability), and
- A need to access services at least once a week on an ongoing basis in the requested area.

In addition, the client must be able to demonstrate all four of the following:

- Their need is significant and ongoing (in other words it is essential to daily aspects of life for several years), and
- They are unable to meet the need in any other area, and
- They are unable to travel to locations where the need could be met (including reasons such as lack of transport, costs of transport, mobility and living skills issues), and
- Meeting the need is essential to their, or a member of their household's, physical or mental health.

A client must show that the requested area will have a direct benefit in terms of their health or wellbeing, or that of other members of their household. For example, the client may need to be closer to essential medical services because of decreased mobility, or may need to be close to employment because they have difficulty negotiating public transport.

A client must provide adequate evidence to support their request to live in a high demand area.

Where a client satisfies both the priority criteria and the locational need assessment for a high demand area, NCCH will list the client for that area.

Where a client does not satisfy the locational need assessment for a high demand area, NCCH will ask the client to consider housing in other areas, and will then assess the client's need for priority housing in those areas.

NCCH will not approve priority housing where a:



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- Client selects an alternative area and their needs can be met by the private rental market in that area, or
- Client does not satisfy the locational need assessment and will not choose an alternative area. In this case, if the client considers that their need to live in a particular location is greater than their need for urgent housing, they may wait their turn for housing in their preferred area.

NCCH will assess eligibility and priority for clients seeking social housing and will notify the client in writing of the outcome of the assessment.

Change of Circumstances

If a client has any changes in their household circumstances, they must advise a participating social housing provider within 28 days of the change occurring. This includes any changes to the people the client may wish to include in their household and any changes to the income of any member of their household.

When the client advises NCCH about a change in household circumstances, NCCH will re-assess the application to ensure the household is still eligible, and, if so, whether the urgency or complexity of their circumstances has changed.

Right to Appeal

All clients will be advised of their right to appeal any decision made concerning their application. A copy of the [APPEALS FACTSHEET](#) will be forwarded with all letters concerning matters that are appealable.

Assessment Criteria

Prior to the introduction of Housing Pathways in April 2010, each application was given a "priority ranking" score, according to NCCH's Applicant Assessment Criteria.

This approach was discontinued in 2011 given its incompatibility with the Housing Pathways system.

Conflict of interest

Any employee involved in the application assessment or housing allocations processes must register any personal or other relationship with a tenant or applicant being considered for housing assessment or allocation. The employee must withdraw from any involvement in the allocation of housing to that tenant or applicant and must not participate in any way or influence in any way, either implicitly or explicitly, the decision-making process when such a conflict has been declared. A Declaration of Interest Form must be completed and signed by the employee.

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