

Eligibility for Public Housing

Policy

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Acronyms	Full form
CEO (Housing)	Chief Executive Officer Housing
NT	Northern Territory
CLA	Community Living Areas

Table of Contents

1. Purpose	4
2. Scope	4
3. Policy detail	4
3.1. Property ownership or multiple public housing tenancy agreements	5
3.2. Residency	5
3.3. Age of client.....	5
3.4. Debts.....	5
3.5. Unsatisfactory Former Tenancies	6
4. Decision-making (delegation and discretion)	6
5. Complaints and/or appeals	6
6. Review of the policy	6
7. References	6
7.1 Legislation	6
7.2 Policies.....	6

Eligibility for Public Housing

Policy

1. Purpose

To be eligible for public housing, applicants must meet qualifying criteria. This document identifies the general criteria against which the Chief Executive Officer (Housing) assesses initial and continuing eligibility for public housing services.

2. Scope

This policy specifies general eligibility criteria for public housing and bond assistance, unless an exemption is specified.

Additional eligibility criteria such as income and asset testing may also apply - except in Remote Communities, Town Camps and Community Living Areas (CLA).

Applicants for bond assistance must also meet additionally specified criteria established in the Bond Assistance policy.

All applicants and public housing tenants will be subject to the eligibility criteria listed below when applying for public housing or to transfer to other public housing premises.

These criteria are also applied to determine continuing eligibility for existing tenants, annually, on application for rental rebate.

3. Policy detail

The eligibility criteria identified below apply to all forms of public housing - except where specified.

All clients must:

- establish their identity under requirements specified in the Identification and Documentation policy;
- have an independent income (a source of income that is equal to or greater than the independent rate of Centrelink Youth Allowance); and
- meet minimum age requirements.

Bond Assistance and urban public housing clients must also qualify under additional criteria specified in the Income and Assets policy. Failure to comply with a request to provide adequate information for assessment against the eligibility criteria when required renders the client ineligible, as an application for service or continuing eligibility for public housing (where applicable) cannot be established. The Delegate has discretion to waive any requirement.

In Remote Communities, Town Camps and CLAs, eligibility for public housing is established by the CEO (Housing) in consultation with the relevant Housing Reference Group. Eligibility considerations are based

upon standard criteria and whether the applicant is a permanent community resident or will be accepted as one. Refer to the Housing Reference Groups policy.

3.1. Property ownership or multiple public housing tenancy agreements

Except in Remote Communities, Town Camps and CLAs, applicants, tenants and clients who own or partly own residential property anywhere in Australia are ineligible for public housing.

Applicants with property subject to marital separation/settlement will be exempt from these criteria on approval of the Delegate. This includes clients who are fleeing situations of domestic or family violence. Continuing eligibility for applicants exempt from the criteria will be reassessed a minimum of biannually, to ensure there are no changes in circumstances which enable the tenant to reside in the property and that reasonable efforts to realise their interest in the property, have been made.

Clients who establish exceptional need defined by severe medical or social issues (which render the property owned as being unsuitable for the particular household) may also be exempt.

3.2. Residency

Applicants must be an Australian citizen or have permanent residency status. Permanent residency includes, but is not limited to: Special Category Visa for citizens of New Zealand; Temporary Protection Visas; Sponsored Migrants; victims of domestic violence holding an 820 or 309 Visa.

Public housing applicants must be able to prove that they currently reside in the Northern Territory when they lodge their application and continuously reside in the Northern Territory until they are allocated housing, except for brief holiday periods or absences to seek medical treatment.

To maintain eligibility once allocated, the tenant must continue to reside in the public housing premises, unless there is an approved extended absence.

Bond Assistance applicants are required to prove residency in the Northern Territory for a period of three months prior to the application date.

3.3. Age of client

All applicants must be 16 years of age or over.

Applicants aged under 18 years who are not in receipt of the independent rate of Centrelink payments are required to demonstrate that they do not have any viable alternative to public housing, prior to an offer being made. The approval of the Delegate is required.

The above does not apply in Remote Communities, Town Camps and CLAs unless advised by a Housing Reference Group.

3.4. Debts

The provision of housing will not be withheld based on a debt owed to the CEO (Housing). The CEO (Housing) will seek to recover outstanding debts in line with the Debt Management policy.

3.5. Unsatisfactory Former Tenancies

Former tenants who have had their tenancy agreement terminated or voluntarily vacated, leaving sufficient evidence to justify a termination (under breach of tenancy agreement conditions or satisfactory tenancy criteria), are ineligible for public housing, or to reside in a property under the management of the CEO (Housing) for a period of two years. After the two year period, the applicant can become eligible for public housing by demonstrating that they have successfully maintained housing and agreeing to enter an Acceptable Behaviour Agreement on allocation. The tenant will be subject to a six month probationary tenancy agreement. Refer to the Tenancy Agreements for Public Housing policy.

3.5 does not apply to tenancies in remote communities, Town Camps and CLAs unless advised by a Housing Reference Group.

4. Decision-making (delegation and discretion)

The CEO (Housing) may Delegate a power or function under the Housing Act 1982 or other Acts. Delegated officers may make decisions on behalf of the CEO (Housing) in line with the CEO (Housing)'s Housing Delegations and Financial Management Delegations.

A discretionary decision may be made outside the general application of policy if it supports the policy intent, will prevent a client from being unfairly disadvantaged, and is in line with the CEO (Housing)'s delegations and legislative obligations.

Refer to the Discretionary Decision-Making policy.

5. Complaints and/or appeals

If a client is not satisfied with either a decision or action of the CEO (Housing) they can access the CEO (Housing)'s complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

6. Review of the policy

The policy will be reviewed within 24 months of the approval date.

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly.

7. References

7.1 Legislation

Housing Act 1982

Residential Tenancies Act 1999

7.2 Policies

Access and Equity policy

Allocation and Commencement of a Tenancy policy

Appeals policy

Bond Assistance policy

Complaints policy

Discretionary decision-making policy

Entitlement policy

Identification and Documentation policy

Income and Assets policy

Property Management policy

Tenancy Agreements for Public Housing policy

Transfers within Public Housing policy