

# Eligibility for Social Housing

## Policy

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1.0	2/09/2013	Executive Director, Housing Operational Client Support	New separate policy derived from Housing Services Operational Policy Manual

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

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# Eligibility for Social Housing

## Policy

### 1. Purpose

To be eligible for social housing, applicants must meet qualifying criteria. This document identifies the general criteria against which the CEO (Housing) assesses initial and ongoing eligibility for social housing services. It also applies to Community Housing providers when confirming the continuation of eligibility.

### 2. Scope

This policy specifies general eligibility criteria for social housing and private rental bond assistance unless an exemption is specified.

Additional eligibility criteria, such as income and asset thresholds, also apply to those applying for urban social housing.

Applicants for private rental bond assistance must also meet additional specified criteria outlined in the Private Rental Bond Assistance policy.

All applicants and existing social housing tenants will be subject to the same eligibility criteria mentioned in this policy when applying for social housing or to transfer to another social housing premises.

These criteria are also applied to determine continuing eligibility for existing tenants when an application for a rental rebate is submitted periodically.

### 3. Policy detail

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

All Social Housing applicants must:

- be 15+ years old to apply for Social Housing;
- 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
- be 16+ years old to enter into a tenancy agreement.

If applying for urban social housing or private rental bond assistance, applicants must also qualify under additional criteria which are specified in the Income and Assets policy.

The CEO (Housing) has discretion to waive requirements within this policy if it supports the policy intent. The Delegate cannot apply discretion to the Income and Asset limits, which is set by the Minister responsible for Housing.

If the CEO (Housing) cannot establish eligibility, due to the failure of the applicant to comply with a request to provide adequate information for assessment against the eligibility criteria when required, the applicant will not be considered eligible.

In Remote Communities, Town Camps and CLAs, eligibility for social housing is assessed differently, and 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 social housing tenancy agreements

### 3.1.1 Residential property ownership

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

If an applicant owns property but can also establish an exceptional need (severe medical or social issues) for social housing, the Delegate may use their discretion to exempt the property from the assessment of the applicant's eligibility.

### 3.1.2 Non-residential property or farm

If an applicant owns, or partly owns, a non-residential property or farm it is classified as an asset and the applicant must provide a professional valuation of the property. If the combined total of the asset(s) exceeds the limits set out in the Income and Assets policy, the applicant is ineligible.

### 3.1.3 Multiple social housing tenancy agreements

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. Further supporting documentation may be requested by the Delegate to establish the experience of domestic violence as further detailed in section 4A of the *Residential Tenancies Act 1999*.

If the Delegate exempts the applicant from any criteria their continuing eligibility will be reassessed a minimum of twice a year. This is to ensure the tenant remains eligible for the property they are renting.

## 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 Visa;
- Sponsored migrants;
- Victims of domestic violence holding an 820 or 309 Visa.

Social housing applicants must be able to prove that they reside in the Northern Territory when they lodge their application. If an application is approved, applicants must continuously reside in the Northern Territory until they are allocated housing, except for brief holiday periods or absences to seek medical treatment. If the Delegate is unsatisfied with a reason why an applicant is residing elsewhere, an application may be cancelled, and the applicant removed from the social housing wait list.

To maintain eligibility once allocated a tenancy, the tenant must continue to reside in the social housing premises, unless there is an approved extended absence, and meet the eligibility criteria as set by the CEO (Housing) from time to time.

Private Rental Bond Assistance applicants are required to prove residency in the Northern Territory for a period of 3 months prior to the application date. Residency exemptions are available for Private Rental Bond Assistance applicants, which are detailed in the Private Rental Bond Assistance policy.

### 3.3. Age of client

- Social Housing applicants must be 15+ years old;
- Only people who are 16+ years old can enter into a tenancy agreement.
- The approval of the Delegate is required to approve an allocation to an applicant under the age of 18 years old.

This section (3.3) does not apply in Remote Communities, Town Camps and CLAs unless advised by a Housing Reference Group.

### 3.4. Debts

The provision of social 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. Recovery of debt owed to other social housing providers will be managed in line with the specific provider's policies and may differ.

### 3.5. Unsatisfactory Former Tenancies

Former social housing tenants who have had their tenancy agreement terminated or have voluntarily vacated the premises leaving sufficient evidence to justify a termination (under breach of tenancy agreement conditions or satisfactory tenancy criteria), are ineligible to apply for social housing for a period of 2 years, which includes property under the management or ownership of the CEO (Housing).

After the 2-year period has expired, the tenant(s) can reapply for social housing, however, will be required to submit a new application form with supporting documentation. An application will not be accepted until the 2-year period has expired. Commencement of wait time will begin when the application is accepted with all required supporting documentation.

When a premises is available to allocate, the CEO (Housing) may require the applicant to: -

- provide a satisfactory tenancy reference for the previous 2 years prior, or proof of skills obtained to assist them in a successful tenancy;
- enter into an Acceptable Behaviour Agreement upon allocation, where the CEO (Housing) reasonably believes the applicant, or a proposed recognised occupier, is likely to engage in antisocial behaviour. The tenant will be subject to a 6-month probationary tenancy agreement.

Refer to the Tenancy Agreements for Social Housing policy.

This section (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 under which the CEO (Housing) is granted power. Delegated officers make decisions 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) complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

The CEO (Housing)'s Complaints and Appeals policies relate to CEO (Housing) actions and decisions.

Complaints relating to either a decision or action of other social housing providers, will be referred directly to the relevant social housing provider and managed in line with the specific providers policies. The Department is not responsible for registering or investigating a complaint regarding decisions and actions of other social housing providers.

## 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

Private Rental 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 Social Housing policy