



Communities
& Justice

NSW Community Housing Eligibility Policy



Document approval

The NSW Community Housing Eligibility Policy has been endorsed and approved by:



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1 Introduction

The NSW Department of Communities and Justice (DCJ) and NSW Land and Housing Corporation (LAHC) provide assistance to community housing providers (CHPs) to supply subsidised rental accommodation to people on very low to moderate incomes. Specifically, assistance is provided for the following types of accommodation: social housing; affordable housing; co-operative housing; transitional housing; and crisis accommodation.

Community housing providers that receive assistance are required to manage that assistance in accordance with policy guidance set by DCJ and LAHC. The contractual arrangement with community housing providers (a Community Housing Assistance Agreement) requires community housing providers to use their best endeavours to comply with policies listed in the Community Housing Assistance Agreement.

To continue to receive assistance, community housing providers are also required to maintain registration under the National Regulatory System for Community Housing, as prescribed in the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW). Failure by a community housing provider to comply with a Community Housing Assistance Agreement may be cause for a review of their registration status.

2 Purpose of this policy

The NSW Community Housing Eligibility Policy sets out the NSW Government's criteria for eligibility for social housing, affordable housing, co-operative housing, transitional housing and crisis accommodation managed by community housing providers in NSW.

3 Coverage of this policy

This policy applies to properties governed by a Community Housing Assistance Agreement between DCJ and/or LAHC and a community housing provider for the provision of subsidised rental accommodation.

Exceptions to this include properties managed under the Social Housing Subsidy Program or properties managed by community housing providers through other agreements with DCJ and/or LAHC which fall outside a Community Housing Assistance Agreement.

4 General requirements

4.1 Determination of eligibility

Community housing providers must have in place an appropriate process to determine the eligibility of applicants for subsidised rental accommodation. Under Housing Pathways, participating community housing providers will undertake eligibility assessments within a common assessment framework.

4.2 Proof of eligibility

Community housing providers must require appropriate proof that the applicant and all other household members (even if they are under 18 years of age) meet relevant eligibility requirements.

4.3 Right of appeal

Community housing providers must have an appropriate process in place to manage appeals from applicants and tenants in relation to the determination of eligibility. This must include a process for advising applicants and tenants about their right to appeal, what can be appealed, the timeframe for lodging an appeal and how an appeal can be lodged.

A community housing provider is subject to independent review of their eligibility determination by the Housing Appeals Committee if their residents or tenants fall within, or would potentially fall within, the definition of 'tenant' in the *Residential Tenancies Act 2010* (NSW).

Community housing providers that are subject to independent review of their eligibility determination by the Housing Appeals Committee must advise tenants of their right to request an independent, second-tier review.

4.4 Confidentiality

Community housing providers must ensure that all confidential and sensitive business information and records are kept secure and protected from any unauthorised access or use.

Community housing providers must not release any confidential or sensitive information to a third party without the prior written consent or approval of the affected person or agency that owns the information, except where required to by law.

4.5 Privacy

Community housing providers must protect the personal information and privacy of applicants, residents, tenants and household members.

Community housing providers must ensure that any personal and/or health information is only collected, used, stored or disclosed for a purpose authorised or required by law, and in line with contractual obligations.

Personal and/or health information must not be released to or exchanged with a third party, unless with the informed consent of the person affected, or this is lawfully authorised or required.

Applicants who have submitted an application through Housing Pathways are notified that the information included in the application can be exchanged between social housing providers for the purposes of assessing ongoing eligibility and delivering an appropriate service.

5 Specific requirements for social housing

5.1 Eligibility

To be eligible for social housing, an applicant must:

- be a citizen or have permanent residency in Australia
- be a resident in New South Wales (NSW)
- establish their identity
- have a household income within the specified eligibility limits
- not own any assets or property which could reasonably be expected to resolve their housing need¹
- be able to sustain a successful tenancy, without support or with appropriate support in place
- if applicable, make repayments of any former debts to a social housing provider
- in general, be 18 years of age or older.

Additional eligibility criteria may apply for properties under specialist housing programs or arrangements.

5.2 Income eligibility limits for social housing

Applicants for social housing must meet the specified income eligibility limits. Income eligibility limits are detailed in the [Social Housing Eligibility and Allocations Policy Supplement](#) on the DCJ website.

The specified income eligibility limits set out the maximum income (before tax and including income generated from assets) that a household can earn and still be eligible for social housing.

A household is eligible if their total assessable household income is equal to or below the specified limits for that household type. Any income generated by the applicant and their spouse/partner, and other household members 18 years of age or older is included in the assessable household income. In determining this limit some statutory incomes are excluded and some are discounted. [Click here for assessable and non-assessable income and assets tables.](#)

5.3 Additional requirements for social housing

Applicants for social housing must apply through Housing Pathways.

Applications may be assessed by either a community housing provider participating in Housing Pathways or DCJ housing client service staff, including the Housing Contact Centre. Housing Pathways access and eligibility policies apply to all assessments.

¹ Exceptions may be made in certain circumstances such as family breakdown, the need to relocate to a new area because the applicant requires long term medical treatment which is not available where they reside, or escaping domestic violence, serious harassment or threats of violence.

If an applicant is assessed as eligible, they will be listed on the NSW Housing Register.

Community housing providers not participating in Housing Pathways must:

- ensure that applicants for their social housing properties are listed on the NSW Housing Register. The applicant must provide proof of the listing and an application list entry reference number.
- confirm the applicant is still eligible for social housing against the criteria outlined in 5.1 before making an offer of housing.
- notify a Housing Pathways provider when an applicant on the NSW Housing Register has been housed so the Register can be updated.

6 Specific requirements for affordable housing

6.1 Eligibility for affordable housing

Applicants for affordable housing must meet the eligibility criteria as defined in the *NSW Affordable Housing Ministerial Guidelines*.

6.2 Income eligibility limits for affordable housing

Applicants for affordable housing must meet the income eligibility limits as defined in the *NSW Affordable Housing Ministerial Guidelines*.

To be eligible, a household's gross income must be equal to or below the moderate income level for their household type.²

6.3 Additional requirements for affordable housing

In accordance with the *NSW Affordable Housing Ministerial Guidelines*, community housing providers are required to reassess the eligibility of affordable housing tenants at the end of a fixed term lease period to determine if they remain eligible to reside in the property. The eligibility review should take place no more than six months prior to the expiration of a fixed term lease.

² Where there is a conflict between the limits set out in the *NSW Affordable Housing Guidelines* and the eligibility limits set out in the *National Rental Affordability Scheme Regulation 2008*, the Regulation prevails for affordable housing properties where a National Rental Affordability Scheme Incentive has been allocated.

7 Specific requirements for co-operative housing

7.1 Eligibility

Overall, 65 percent of tenants in an individual co-operative must have met the social housing income eligibility limits at the time of allocation.

All tenants must be within affordable housing eligibility income limits.

8 Specific requirements for crisis accommodation and transitional housing

8.1 Eligibility

To be eligible a person must be experiencing homelessness or be at risk of homelessness and must require immediate housing and support.

9 Other related policies

Other related policies include:

- [Housing eligibility and access policies](#)
- [Community Housing Water Charging Guidelines](#)
- [NSW Affordable Housing Ministerial Guidelines](#)
- [NSW Community Housing Access Policy](#)
- [NSW Community Housing Rent Policy](#)

10 Glossary

Affordable housing

Subsidised rental accommodation for people on very low, low or moderate incomes managed in accordance with the NSW Affordable Housing Ministerial Guidelines. Click [here for more information about the Affordable Housing Guidelines](#).

Community Housing Assistance Agreement

The contractual arrangement between DCJ and/or LAHC and a registered community housing provider setting out the terms and conditions related to each form of assistance provided to a community housing provider for the provision of subsidised rental accommodation. This includes assistance provided under the National Rental Affordability Scheme A (NRAS A).

Community housing provider

An organisation that provides housing for people on very low, low and moderate incomes.

Co-operative housing

A specific model of community housing management based on mixed income eligibility, tenant management and co-operative principles.

Crisis accommodation

Short term accommodation (generally three months or less) for people who are experiencing homelessness or people who are at risk of homelessness.

Housing Pathways

The system for applying for housing assistance in NSW, including private rental assistance and social housing. Under the system, applicants lodge a single application form to apply for assistance from DCJ and participating community housing providers. This application can be lodged online, by phone or at a local housing office. [Click here for more information about getting help with housing and homelessness](#).

Income bands

Very low, low and moderate incomes are defined as:

- **Very low:** Less than 50 percent of the median household income for Sydney, or the rest of NSW, as applicable.
- **Low:** Between 50 and 80 percent of the median household income for Sydney, or the rest of NSW, as applicable.
- **Moderate:** Between 80 and 120 percent of the median household income for Sydney, or the rest of NSW, as applicable.

Community Housing Water Charging Guidelines

These are Ministerial guidelines and any water charge levied by a community housing provider must align with them. [Click here for more information about the Water Charging Guidelines](#).

National Regulatory System for Community Housing

The National Regulatory System for Community Housing (NRSCH) sets out a consistent regulatory framework for community housing providers in participating jurisdictions across Australia. All organisations that receive housing assistance from the NSW Government need to be registered under the National Regulatory System. [Click here for more information about NRSCH.](#)

NSW Affordable Housing Ministerial Guidelines

The *NSW Affordable Housing Ministerial Guidelines* set out the policy framework for the delivery of affordable housing by registered community housing providers in NSW. Click [here for more information about the Affordable Housing Guidelines.](#)

NSW Housing Register

The state wide list of eligible applicants for social housing in NSW. Applicants apply through Housing Pathways for consideration to be listed on the Register. The Register is used by CHPs and DCJ to allocate vacant social housing properties. It is managed by DCJ.

Social housing

Subsidised rental accommodation for people on very low or low incomes who meet the required eligibility criteria.

Specialist homelessness services

Specialist homelessness services provide support to assist people who are experiencing homelessness or are at risk of homelessness.

Transitional housing

Interim accommodation (generally from three to eighteen months) for people who are experiencing homelessness or people who are at risk of homelessness.

Transitional Housing Plus

Time limited accommodation managed through fixed term leases that can be renewed for a period of up to 5 years, for people who are homeless or at risk of homelessness and who are able to exit to private market housing at the end of their tenancy.

[Click here for further information about Transitional Housing Plus.](#)

11 Program/product specific schedules

Program/product specific schedules contain detail of any variations to this policy which are conditions of a program or product. In all other ways, these programs or products adhere to this policy.

11.1 Transitional Housing Plus

11.1.1 Eligibility

To be eligible for Transitional Housing Plus, a person must be homeless or at risk of homelessness and have the capacity to transition to private market housing within 5 years.

In addition, they must have the motivation and capacity to engage in work or study.

Further information about the requirements for Transitional Housing Plus can be found in the [Transitional Housing Plus Policy Guidance Note](#).