



**Aboriginal  
Housing  
Office**



# **Aboriginal Housing Office Housing Eligibility Policy**

**May 2017**

**This policy sets out the eligibility requirements for access to and management of housing owned and/or managed by Aboriginal Community Housing Providers under a contractual arrangement with the Aboriginal**



# Document approval

The AHO Housing Eligibility Policy has been endorsed and approved by:

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Chief Executive

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# 1 Purpose of policy

## 1.1 Purpose

This Policy sets out the criteria for eligibility for social housing, affordable housing, transitional housing and crisis accommodation that is owned and/or managed by Aboriginal Community Housing Providers (ACHPs) under a contractual arrangement with the Aboriginal Housing Office (AHO).

## 1.2 Background and policy links

The AHO is a statutory authority established under the *Aboriginal Housing Act 1998* and a NSW Government agency. The AHO provides safe, affordable and culturally appropriate housing to Aboriginal and Torres Strait Islander people in NSW.

The AHO's vision is to ensure that every Aboriginal person in NSW has equal access to, and choice in, affordable housing. We work in partnership with ACHPs and the Aboriginal community to develop a future where:

- social housing is not an end point but a point along a path for Aboriginal people
- more Aboriginal people own their own homes
- more Aboriginal people are in private rental
- Aboriginal communities have a voice and are confident in AHO services

The AHO administers the policies and funding arrangements for Aboriginal community housing in NSW. Under the *Aboriginal Housing Act 1998*, an ACHP must be registered to receive funding or assistance from the AHO.

ACHPs that receive assistance from the AHO are required to manage that assistance in accordance with policy guidance set by the AHO and comply with policies as listed in their contractual agreement with the AHO.

The AHO Housing Eligibility Policy sets out the AHO's requirements for eligibility to social housing, affordable housing, transitional housing, crisis accommodation and Employment Related Accommodation (ERA) housing managed by ACHPs and CHPs in NSW.

### 1.2.1 Policy linkages

The following policies, contracts and guidelines are identified as linked to the AHO Housing Eligibility Policy:

- AHO Housing Services Policy Framework
- AHO Housing Services Guidelines
- AHO Confirmation of Aboriginality Policy
- AHO Registration Policy
- Employment Related Accommodation (ERA) Guidelines
- Housing Pathways

- NSW Community Housing Eligibility Policy
- NSW Community Housing Access Policy
- NSW Community Housing Rent Policy
- NSW Affordable Housing Ministerial Guidelines

### 1.2.2 Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document.

Term	Definition
ACHP(s)	Aboriginal Community Housing Provider(s)
AHO	NSW Aboriginal Housing Office
FACS	Family and Community Services
LAHC	Land and Housing Corporation
PARS	Provider Assessment and Registration System
NRSCH	National Regulatory System for Community Housing

## 2 Scope and application

This policy applies to all AHO properties governed by a contractual arrangement between the AHO and a registered ACHP for the provision of housing.

This policy also applies to properties managed on an interim basis by mainstream Community Housing Providers (CHPs) or other agencies (such as FACS Housing), through contractual agreements (or similar) with the AHO.

This policy does not apply to properties owned by ACHPs that are not under contractual arrangements with the AHO.

## 3 Legislation

The legislation that informs this policy includes:

- *Aboriginal Housing Act 1998 (NSW)*
- *Residential Tenancies Act 2010 (NSW)*
- *Aboriginal Land Rights Act 1983 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Privacy Act 1988 (Commonwealth)*
- *Government Information (Public Access) Act 2009 (NSW)*

## 4 Policy Statement

The NSW Government through the AHO enters into contractual arrangements with registered housing organisations for the management of Aboriginal

housing. It expects this housing to be targeted to Aboriginal people most in need and delivered in accordance with relevant legislation, policy and contractual obligations.

## 5 General Policy Requirements

This section applies to all rental housing for Aboriginal people owned or managed by an ACHP in NSW.

### 5.1 Application management

ACHPs must have in place policies and processes to receive, assess where applicable and record applications for Aboriginal housing. Under Housing Pathways, fully participating ACHPs will undertake eligibility assessments within a common assessment framework and common housing register.

### 5.2 Determination of eligibility

ACHPs must have in place an appropriate process to determine the eligibility of applicants for each type of rental accommodation they provide. Under Housing Pathways, fully participating ACHPs will undertake eligibility assessments within a common assessment framework.

### 5.3 Proof of eligibility

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

### 5.4 Confirmation of Aboriginality

ACHPs must have in place an appropriate process for Confirmation of Aboriginality. The AHO Confirmation of Aboriginality Policy will apply for AHO owned or subsidised properties.

### 5.5 Right of appeal

ACHPs must have an appropriate process in place to manage appeals from applicants and tenants in relation to their housing including their housing allocation or a proposed housing allocation. An appeal or review is an expression of disagreement or dissatisfaction with a decision that has been made and a request that the decision be reconsidered.

ACHPs must include a process to advise applicants and tenants about their right to an internal appeal, timeframes for appeals, what can be appealed and how to lodge an appeal.

ACHPs must also provide capacity for independent reviews of their assessments and allocation appeals. They must advise applicants and tenants of their right to request an independent review and information on how to request this.

## 5.6 Confidentiality

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

ACHPs 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.

## 5.7 Privacy

ACHPs must comply with national and state privacy legislation.

ACHPs must protect the personal information and privacy of applicants, residents, tenants and household members.

ACHPs must ensure that any personal and/or health information is not collected, used, stored or disclosed other than for the proper purposes of these services. Personal information and/or health information must not be released to or exchanged with an unauthorised third party unless with the informed consent of the person affected or where this is lawfully authorised or required.

Applicants and tenants must be notified that information about persons included in the application can be exchanged with the AHO or, where consent has been provided, with another social housing provider for the purposes of assessing their application.

# 6 Specific Policy Requirements

## 6.1 AHO properties

This section applies to all rental housing for Aboriginal people which is owned by the AHO and managed by an ACHP.

Applicants for Aboriginal housing owned by the AHO are encouraged to apply through Housing Pathways. If the ACHP is not a full participant in Housing Pathways, applications will then be assessed by FACS Housing NSW client service staff. If an applicant is assessed as eligible they will be listed on the NSW Housing Register.

### 6.1.1 Eligibility

To be eligible an applicant must:

- be able to provide confirmation they or a household member are of Aboriginal or Torres Strait Islander descent
- be resident in New South Wales
- establish their identity
- have a household income within the specified income eligibility limits
- not own any assets or property which could be reasonably expected to resolve their housing need
- be able to sustain a tenancy, with or without support

- if applicable, make repayment of any former debts to a social housing provider) and
- in general, be at least 18 years of age or older

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

### 6.1.2 Residence in NSW

Clients applying for Aboriginal housing under this policy must live or work in NSW. However, ACHPs may waive the NSW residency rule in certain circumstances based on proof of the applicants need to live in NSW. These include:

- the client lives in a NSW border area (such as Albury-Wodonga, Tweed Heads-Coolangatta)
- the client lives outside a border town but accesses medical, educational, or commercial facilities in NSW
- the client needs to move to NSW for specialist medical treatment that is not available in the State they are currently living in
- the client needs to move to NSW to escape domestic violence, serious harassment or threats of violence
- the constitution of the ACHP that owns the property allows for the eligibility of people living outside of NSW.

### 6.1.3 Establishing identity

Applicants who wish to apply for Aboriginal housing must establish their identity by providing two forms of acceptable identification and confirm their Aboriginality. Applicants must also provide proof of identify for each person on their application who is 18 years or over.

ACHPs must make publicly available a list of acceptable forms of identity.

### 6.1.4 Income eligibility

To determine whether a household meets the income eligibility limits, the ACHP must assess income eligibility according to the applicant's household size, type and gross assessable income.

Social housing is for people on very low and low incomes. Applicants for this housing must meet the specified income eligibility limits detailed in the [Social Housing Eligibility Products and Allocations Policy Supplement](#) on the [Housing Pathways](#) 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 remain 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.

### 6.1.5 Affordable housing income limits

Housing owned by the AHO that is deemed Affordable Housing must be allocated to eligible people on low to moderate incomes who meet the affordable housing income eligibility limits. These income eligibility limits can be found in the NSW Affordable Housing Ministerial Guidelines.

The ACHP must review the income eligibility of applicant households annually.

### 6.1.6 Ability to sustain a tenancy

To be eligible for social housing, 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, the ACHP will consider whether the applicant is able to:

- pay their rent
- look after their property
- not create a nuisance and annoyance to their neighbours
- live independently with or without support
- 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. ACHPs must make appropriate referrals to other agencies in situations where the client has not accessed available support services.

### 6.1.7 Former tenants of social housing

All applicants who have debts with any social housing provider must repay those debts. ACHPs will still consider the applicant for assistance if they demonstrate their commitment to repay the debt by making regular repayments.

ACHPs need to be satisfied that a former social housing tenant has the ability to sustain a tenancy with or without support.

ACHPs must have policies and procedures in place to determine whether the applicant (former tenant) is eligible for Aboriginal housing. The process should include whether other people who lived with the applicant (former tenant) can be part of any future household. This applies in cases where a household member in a previous tenancy was responsible for nuisance and annoyance, property damage or acts of violence.

### 6.1.8 Clients with urgent or complex housing needs

Applicants may have urgent or complex housing needs which they are unable to resolve themselves. These applicants may require urgent housing ahead of other applicants.

ACHPs must have policies and processes in place to assess factors that may determine or affect an applicant's priority for social housing and the type of housing they receive. These factors include one or more of the following:

- unstable housing circumstances
- at risk factors
- existing housing is inappropriate for their basic housing requirements
- unable to resolve the urgent housing need themselves

ACHPs must detail the types of evidence required by a client to demonstrate their need for being housed ahead of others on their housing register.

#### 6.1.9 Applicants who are not Aboriginal or Torres Strait Islander

Generally, an applicant for Aboriginal community housing must be an Aboriginal or Torres Strait Islander person. However there may be circumstances where the parent or guardian is not an Aboriginal or Torres Strait Islander person but is the primary caregiver of Aboriginal children.

In these circumstances as long as the household meets all other eligibility criteria, ACHPs have the discretion to admit the client to the Housing Register and make an offer of accommodation when their turn is reached.

### 6.2 Crisis and transitional accommodation

Generally, no income eligibility criteria applies for crisis accommodation.

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

Other eligibility criteria may apply subject to the specific nature and target of this housing, such as for women and children, single or older people.

### 6.3 Employment Related Accommodation

To be eligible for Employment Related Accommodation (ERA) Program housing, a person must meet the eligibility criteria identified in the ERA Guidelines.

## 7 Roles and responsibilities

The main roles and responsibilities for the implementation of this policy are as follows:

Housing providers managing properties under a contractual arrangement with the AHO are responsible for ensuring this policy is adhered to and that their own policy documents are consistent with policy set by the AHO.

The AHO Director, Housing Client Services is responsible for ensuring that this policy is being adhered to by contracted housing providers, consistent with the Contract Performance Monitoring Framework.

## 8 Monitoring, evaluation and review

It is the responsibility of the AHO Policy, Programs and Design Innovation Unit to monitor and update this policy when required.

This policy will be reviewed when any significant new information, legislative or organisational change warrants amendments to this document.

## 9 Support and advice

Support and advice about this policy can be obtained from:

- AHO Policy, Programs and Design Innovation Unit
- AHO Regional Offices

If reviewing a printed version of this document, please refer to the AHO website to confirm that it is the most recent version of the policy.