

## Eligibility for Public Housing

### Policy

Date effective: 21 November 2016

#### 1. Purpose

To be eligible for public housing, applicants must meet qualifying criteria. This document identifies the general criteria against which, the Department of Housing and Community Development ('the Department') 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 dwellings.

This criteria is also applied to determine continuing eligibility for existing tenants, annually, on application for rental rebate and at the expiry of their fixed term tenancy agreement.

#### 3. Policy

The eligibility criteria identified below applies 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. Further, failure to comply with a request to provide adequate information for assessment against this 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 Director has discretion to waive any requirement.

In Remote Communities, Town Camps and Community Living Area (CLA), eligibility for public housing is established by the Department 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. Some exemptions apply, where adequate documentation is provided.

Applicants with property subject to marital separation/settlement will be exempt from this criteria on approval of the Manager. This includes clients who are fleeing situations of domestic or family violence. Continuing eligibility for applicants exempt from this criteria will be reassessed a minimum of biannually, to ensure 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 from this criteria.

### **3.2. Residency**

Applicants must be an Australian citizen or have permanent residency status. Permanent residency includes: 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 or over. Except in Remote Communities, Town Camps and CLAs, unless consultation has occurred with the Housing Reference Group, 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.

### **3.4. Debts**

Except in Remote Communities, Town Camps and CLAs, unless consultation has occurred with the Housing Reference Group, applications will be rejected if the client has an outstanding debt to the Department. An offer of allocation may also be deferred until the

debt is fully repaid. Exemptions may be applied to accept an application or to allocate a client with a debt on discretion of the Manager, where the client has entered an Agreement to Pay and maintained repayments over three consecutive months; or, if the client can prove bankruptcy.

Following discussion regarding repayment options, applicants with debt to the Department will still be eligible for housing on CLAs if they otherwise meet all remaining criteria.

Existing tenants who apply to transfer to another public housing property will be rejected if there is any outstanding debt to the Department.

### **3.5. Unsatisfactory Former Tenancies**

Except in Remote Communities, Town Camps and CLAs, unless in consultation with the Housing Reference Group, 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 Department property for a period of two years. This does not include debt, which is covered above in 3.4.

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 to enable the Department to monitor the tenancy. Refer to the Tenancy Agreements for Public Housing policy.

### **3.6. Under-Occupancy**

Except in Remote Communities, Town Camps and CLA (unless consultation with the HRG has occurred) and tenants aged under 55 years, tenancy agreements will not be renewed or extended if the property is considered to be under-occupied or under-utilised.

### **3.7. Existing tenants aged 55 years and over**

Existing tenants in urban areas aged 55 years and over will not have their tenancy agreement terminated due to their income and/or assets being above the eligibility limits.

## **4. Discretionary decision making**

Discretion can be applied to this policy using the Discretionary Decision Making policy.

## **5. Complaints and/or appeals**

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

## **6. Review of the policy**

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. This policy will be reviewed within two years of release.

## 7. References

### Legislation

*Housing Act*

*Residential Tenancies Act*

### Policies

Access and Equity policy

Allocation and Commencement of a Tenancy policy

Appeals policy

Bond Assistance policy

Complaints policy

Entitlement policy

Identification and Documentation policy

Income and Assets policy

Property Management policy

Tenancy Agreements for Public Housing policy

## 8. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
21/11/2016	3.01	Director Policy	all	Editorial amendment
1/08/2016	3.00	Chief Executive Officer	3.5	Revised
4/07/2016	2.00	Chief Executive Officer	6.2 , 6.7	Revised
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 2