

Affordable Housing Policy

Location	Operations NSW/ACT
Policy Type	Affordable Housing Policy
Version	3.1
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National Regulatory Code	Performance Outcome 1- Tenant and Housing Services

1. OBJECTIVE

- 1.1. The policy articulates the eligibility, allocation and tenure for Argyle affordable housing products as well as the principles, provisions and policy frameworks Argyle applies to affordable housing.
- 1.2. In accordance with Affordable Housing Guidelines Argyle's affordable housing aims to:
 - Provide access to housing products for households in housing stress who are not eligible for public or community housing or who are not likely to be allocated public or community housing in the short to medium term.
 - Support households that have the potential for income growth or home ownership in the medium term by providing affordable rental housing.
 - Provide another choice of housing for public or community housing applicants or tenants and those exiting public or community housing.

2. BACKGROUND AND SCOPE

- 2.1. Argyle promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to tenants in line with the principles of the NSW Disability Inclusion Act 2014, Disability ACT and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 2.2. Argyle supports and encourages a person-centered approach to service delivery.
- 2.3. Argyle promotes and respects the rights and freedoms of Aboriginal and Torres Strait Islander peoples.
- 2.4. Affordable housing is for people in a very low, low or moderate income, who earn at least some of their income from regular paid employment.

3. DEFINITIONS

Bond	Rental Bond and is an amount of money paid by a tenant as a form of security for the landlord against any future breaches of the Residential Tenancy Agreement.
NCAT	NSW Civil and Administrative Tribunal

4. POLICY DETAIL

4.1. Argyle will ensure that the provision of affordable housing is managed in accordance with the following legislation/agreements/policies/guidelines where relevant:

- Residential Tenancies Act, NSW 2010
- Residential Tenancy Act, ACT 1997
- NSW Affordable Housing Guidelines (2013)
- National Rental Affordability Scheme (NRAS) Policy Guidelines

4.2. Argyle operates an affordable housing program that has specific criteria depending on the source of funding. However, generally, the following eligibility criteria apply.

Common eligibility requirements

4.3. All applicants must:

- Be Australian citizens or permanent residents
- Be a resident in New South Wales (NSW Affordable Housing properties) or the ACT (ACT Affordable Housing properties)
- Establish their identity
- Be able to successfully maintain a tenancy

Income

4.4. Entry income limits vary between programs and according to household size and are determined in accordance with the requirements for each program and any local allocation policy for the program. Argyles aim is to ensure properties are allocated to people on a variety of incomes within the minimum and maximum income limits

4.5. In order to ensure the financial viability of affordable housing programs, the minimum income limit is equivalent to the maximum income limit for social housing. Argyle reviews this amount annually.

4.6. Argyle assesses each applicant's capacity to pay the discounted market rent which is generally 74.9%-80% of the market rent rate.

Local connection

4.7. Some affordable housing programs may require applicants to demonstrate a connection to the area of housing supply. Connections may include family, social supports, education, training or employment in the area. Refer to the relevant agreements/policies/guidelines for further details.

Assets

- 4.8. Applicants or household members must not own assets that could help them resolve their housing needs such as substantial savings, property, shares or investments. This policy does not prevent eligible applicants from saving towards a deposit for a home purchase.

Other criteria

- 4.9. Eligibility criteria for some affordable housing programs excludes applicants who currently live in accommodation subsidized by a government authority or who have previously participated in similar affordable rental housing programs. Refer to the relevant agreements/policies/guidelines for further details.

Some affordable housing programs require that applicants are not be an employee nor the parent, spouse, de facto partner, child or sibling of an employee of the owner or manager of the property. Refer to the relevant agreements/policies/guidelines for further details.

Assessment of applications

- 4.10. Argyle undertakes a thorough assessment of affordable housing applications and evidence provided by applicants to determine eligibility. If there is evidence of false or misleading information provided by the applicant or household members that affects their eligibility, the applicant will be removed from the waiting list and formally advised.

Waiting lists

- 4.11. Argyle will maintain a waiting list of eligible applicants for each program and area of affordable housing supply. Applicants who meet the eligibility criteria for specific programs will be placed on the waiting list and formally advised. Argyle manages waiting lists in accordance with individual program agreements/policies/guidelines.

Allocations to vacant properties

- 4.12. Allocations are made in accordance with the relevant agreements/policies/guidelines for each program and will be informed by the following factors as outlined in the NSW Affordable Housing Guidelines

- Financial viability
- Provision for allocations on a priority basis
- Achieving a mix of income bands and household sizes in and/or across projects
- Matching of supply to need
- Applicants' connection to the local area

Offers of affordable housing

- 4.13. Argyle will make one reasonable offer of housing to an eligible applicant that will meet their housing need and locational preference. The offer is based on information provided by the applicant.
- 4.14. If the offer of housing is not accepted, Argyle may remove the applicant from the waiting list or hold for upcoming offers with the applicants consent for a maximum of 6 months. The applicant can reapply for affordable housing and will be placed on the waiting list if they are eligible.

4.15. The applicant can expect Housing to:

- Explain the offer policy to applicants.
- Inform the applicant about information and documentation they need to provide before any offers are made, particularly if the applicant specifies a particular type of dwelling or location.
- Ensure that the type and location of the accommodation which is offered meets the applicant's needs.
- Give the applicant 24 hours to consider an offer.
- Fully explain the options available, and implications of accepting or declining an offer of housing.
- Withdraw an offer if it is proved that the offer is not reasonable.

Residential Tenancy Agreements

4.16. Argyle requires all tenants to enter into a standard Residential Tenancy Agreement for a fixed term of 12 months. The Residential Tenancy Agreement must be signed within five working days of the offer being accepted or as otherwise agreed with Argyle.

Rent

4.17. Generally, rent is set at 74.9%-80% of the market rent rate. Argyle sets the rent so it is affordable and is also sufficient to ensure that the program is financially viable. Rent charged and reviewed in accordance with the relevant agreements/policies/guidelines.

Bonds

4.18. All tenants must pay four weeks' market rent as bond at the commencement of the Residential Tenancy Agreement. If the applicant is not able to pay the bond within 3 business days of the date of offer, Argyle will deem that the offer has been rejected and will count this as a reasonable offer. All bonds will be deposited in accordance with the legislative requirements in the applicable State or Territory. Applicants may apply for Rentstart assistance if they experiencing financial difficulty paying their bond.

Tenure

Review of market rent

4.19. A review of the market rent for each property will be conducted annually and in accordance with individual program agreements/policies/guidelines.

4.20. Argyle reviews a tenant's continued eligibility prior to the Residential Tenancy Agreement expiring.

4.21. Argyle may renew the Residential Tenancy Agreement provided that:

- The tenant continues to meet the eligibility criteria. In determining eligibility, Argyle will consider whether the tenant has acquired assets that may reasonably be expected to resolve their housing needs.
- The renewal will not exceed the maximum term of tenure outlined in the relevant program agreements/policies/guidelines.

If a tenant's income falls below the minimum limit or exceeds the upper income limit for the relevant program by more than 25%, they will be given an adjustment period of up to 12 months (depending on the program). If, at the end of the adjustment period, the tenant's income still falls below the minimum limit or exceeds the upper income limit for the relevant program by more than 25%, the tenant will cease being eligible for Affordable Housing and Argyle Housing will issue a notice of termination in accordance with legislative requirements in the relevant State or Territory.

4.22. Transfers to other affordable housing properties are not permitted.

4.23. Where a tenant is no longer eligible for Affordable Housing but is eligible for Social Housing in the relevant State or Territory where they live, Argyle may consider a Management Transfer where a suitable property is available and depending on the tenant's needs and situation.

Mutual exchange

4.24. Mutual exchange is not permitted.

Additional household members

4.25. Tenants must request permission in writing if they want a person who was not listed on the original housing application or lease to become an additional household member.

4.26. When considering requests for additional household members, Argyle will take into account factors such as:

- The relevant agreements/policies/guidelines relating to the particular property.
- Whether the additional household member will cause the dwelling to be over-occupied.
- The criteria and principles outlined in this policy.
- The household income exceeding eligibility limits.

Succession

4.27. Argyle may approve succession to eligible persons when:

- The tenant dies
- The tenant permanently leaves the property to:
 - Live in a residential care facility e.g. a nursing home
 - Serve a sentence in a custodial facility e.g. prison
 - Care for sick or frail family members
- A final apprehended violence order is made prohibiting the tenant from accessing the property.

4.28. People who may be eligible for succession are:

- The tenants spouse or de facto (including same sex partners) who have been living with the tenant as a couple and is an authorised occupant, i.e. contributing to the household rent, provided they meet the eligibility requirements for that program and have the capacity to pay the applicable rent for the property.
- A member of the household over 18 years of age who:
 - Meets the eligibility criteria for that program and
 - Has the capacity to pay the applicable rent for the property and
 - Has been an authorised household member for at least the past two years or
 - Has been an authorised household member for the entire tenancy (if the tenancy has been less than two years).

Payment of rent

4.29. Argyle expects tenants to pay two weeks rent at the commencement of their tenancy.

4.30. Tenants can pay their rent either weekly or fortnightly but at all times it should be paid on time. Argyle does not require a tenant to pay more than two weeks in advance.

Ending a Tenancy

4.31. Argyle may terminate a tenancy when the tenant:

- Is in breach of the tenancy agreement
- No longer meets the current eligibility criteria outlined in the relevant agreements/policies/guidelines
- Has exceeded the maximum term of tenure outlined in the relevant agreements/policies/guidelines

Ex-tenant debts and rent arrears

4.32. If a tenant vacates the property and owes rent arrears or debt, Argyle will make a claim against the tenant's bond. If the money owed exceeds the bond or if there is a dispute over the bond, Argyle will make an application to the NSW Civil and Administrative Tribunal (NCAT) or the ACT Civil and Administrative Tribunal (ACAT) for a Certified Money Order. If the amount owed remains unpaid, Argyle will apply to the local court for a Garnishee Order to recover the unpaid amount.

5. APPEALS

If a tenant believes Argyle has made a wrong decision, they can ask for a formal review of the decision. To do this, they can complete an Appeals Form stating why they disagree with the decision. An appeal can be lodged by completing the 'I Want to Appeal Form' found on the Argyle website www.argylehousing.com.au or available from any Argyle office. The form, or a letter, can be emailed, posted or delivered in person to any Argyle office or submitted online via the Argyle website.

If the appellant remains unsatisfied with the outcome of the first appeal they can appeal to the Housing Appeals Committee (HAC) which is an independent appeals body specifically set up to consider appeals made by social housing tenants in NSW. An appellant can access HAC by calling free call 1800 629 794 or can get more information from their Tenancy Officer.

Matters that the NSW Civil and Administrative Tribunal (NCAT) or the ACT Civil and Administrative Tribunal (ACAT) can resolve are not able to be appealed.

See Argyle's Appeals Policy for further information.

6. RELATED POLICIES AND DOCUMENTS

- 6.1. Delegation of Authority Schedule
- 6.2. Application Procedures – including Housing Access System
- 6.3. Applications Policy
- 6.4. Appeals Policy
- 6.5. Succession Policy
- 6.6. Property-specific Policies, Procedures and Tools.
- 6.7. Argyle Complaints and Appeals policies
- 6.8. Residential Tenancies Act NSW 2010
- 6.9. Residential Tenancies Regulation NSW 2010
- 6.10. Residential Tenancies Act 1997
- 6.11. <http://www.dhcs.act.gov.au/hcs/socialhousing/eligibilityforpublichousing>
- 6.12. <http://www.housingpathways.nsw.gov.au>
- 6.13. National Community Housing Standards Reference - 1.1 Allocation of housing

Version Control

Version No	Date	Author	Position	Next Review Date
1.0	27/1/2014	D. Skelton	GM BD&R	
2.0	20/05/2015	M. Ward	Operations Manager NSW	19/05/2016
2.1	05/06/2015	M. Ward	Operations Manager NSW	04/06/2016
2.2	30/05/2016	M. Ward	GM Operations	30/05/2017
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3.1	17/02/2020	C. Doherty	Housing Services Manager	17/02/2022