

Affordable Housing Policy

Location	Operations NSW/ACT
Policy Type	Affordable Housing Policy
Version	4.1
Issue Date	November 2023
National Regulatory Code	Performance Outcome 1 – Client and housing services

1. Objective

- 1.1. The policy articulates the eligibility, allocation, and tenure for Argyle Housing affordable housing products as well as the principles, provisions and policy framework Argyle Housing applies to affordable housing.
- 1.2. In accordance with Affordable Housing Guidelines, Argyle Housing's affordable housing aims to:
 - Provide access to housing products for households on low to moderate incomes who are not eligible for public or social housing or who are not likely to be allocated public or social 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 social housing applicants or clients and those exiting social housing

2. Background and Scope

- 2.1 Argyle Housing promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to clients 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 Housing supports and encourages a person-centred approach to service delivery
- 2.3 Argyle Housing promote and respects the rights and freedoms of Aboriginal and Torres Strait Islander peoples
- 2.4 Housing is considered affordable if it costs less than 30% of gross household income. Rents can be set at a discount to the market rent or as a percentage of the household income, depending on the housing program

3. Policy Definitions

Affordable Housing	Affordable housing is for people earning low to moderate incomes who are finding it difficult to pay private market rent. Affordable housing offers discounted rents compared to market value rents
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Social Housing	Social housing is secure and affordable rental housing for people on low incomes with housing needs. It includes public, community and Aboriginal housing. Public housing is managed by the Department of Communities and Justice in NSW and the Community Services Directorate in the ACT. Community housing is managed by non-government organisations including Argyle Community Housing
Bond	Rental bond is an amount of money paid by a client as a form of security for the landlord against any future breaches of the Residential Tenancy Agreement
NCAT	NSW Civil and Administrative Tribunal
ACAT	ACT Civil and Administrative Tribunal

4. Policy Detail

4.1 Argyle Housing will ensure that the provision of affordable housing is managed in accordance with the following legislation, agreements, policies and guidelines where relevant and as amended from time to time:

- Residential Tenancies Act, NSW 2010 (version 11 December 2020)
- Residential Tenancies Act, ACT 1997 (version 1 November 2020)
- NSW Affordable Housing Ministerial Guidelines (2020/21)
- National Rental Affordability Scheme (NRAS) Regulations (1 April 2020)
- ACT Housing Assistance Act

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

- The household income must be within the limits set by the NSW and/or Commonwealth Governments
- The applicant must be an Australian citizen or hold permanent residency; and
- A resident in NSW (NSW Affordable Housing properties) or the ACT (ACT Affordable Housing properties)
- Establish their identity
- Be able to successfully maintain a tenancy

Income

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. Argyle Housing aims to ensure properties are allocated to people on a variety of incomes within the minimum and maximum income limits.

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 Housing reviews this amount annually

Local connection

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

Assets

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

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

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

Assessment of application

Argyle Housing 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.

Allocations to vacant properties

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

- 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

Argyle Housing will make an offer of housing to a suitable, eligible applicant when a property becomes available. The offer is based on the information provided by the applicant.

If the offer of housing is not accepted, Argyle Housing may remove the applicant from the waiting list or hold for upcoming offers, with the applicant's consent, for a maximum of 6 months. The applicant can reapply for affordable housing and will be placed on the waiting list if eligible.

The applicant can expect Argyle 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
- Provide the applicant an opportunity to inspect the property
- Give the applicant 24 hours to consider and offer
- Fully explain the options available, and implications of accepting or declining an offer of housing
- Withdraw the offer if it is proved that the offer is not reasonable or if there is no response to the offer within 24 hours

Waiting lists

Argyle Housing 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 can be placed on the waiting list only if they consent and will be formally advised, all the information will only be kept by Argyle Housing for 6 months and will be securely disposed of after this period. In addition, Argyle Housing will advertise for tenancies. Argyle Housing manages waiting lists in accordance with individual program, agreements, policies and guidelines. For Common Ground Affordable Housing waitlist information please see Common Ground Intake and Assessment Policies and Procedures Part B.

Residential Tenancy Agreements

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

Rent

Discounted market rent is generally set at 74.9% of the market rent value of the property and will not exceed 30% of income for the eligible applicant. If the applicant household is assessed to be paying more than 30% of the household income into rent, applicant will need to provide additional information as per the Argyle Housing's Affordable Housing Income Assessment form to why their application should be approved, this can only be approved as per relevant delegations. Argyle Housing sets the rent, so it is affordable and is sufficient to ensure that the program is financially viable. Rent is charged and reviewed in accordance with the relevant agreements, policies and guidelines.

Bonds

All clients must pay the equivalent of four weeks' rent as bond at the commencement of the agreement. The bond is assessed at the weekly rent to be paid by the client at the time of the commencement of the tenancy. If the applicant is not able to pay bond within 3 business days of the date of offer, Argyle Housing may deem that the offer has been rejected. Bonds will be deposited in accordance with the legislative requirements in the applicable State or Territory. Applicants may be able to apply for Rentstart assistance if they are experiencing financial difficulty paying their bond and they meet the Rentstart eligibility criteria.

Tenure

All affordable housing tenancies will be offered on a 12-month fixed term of tenancy only. At the start of the tenancy and at a time period relevant to the State and Territory legislation, the client will be provided with an End of Fixed Term Notice.

Review of Eligibility and Market Rent

- 4.3 A review of the market rent for each property will be conducted annually and in accordance with individual program agreements, policies and guidelines. Market Rent will be set either by market sounding and market comparison or through a formal valuation process.
- 4.4 Argyle Housing reviews a client's continued eligibility prior to the Residential Tenancy Agreement expiring.
- 4.5 Argyle Housing may renew a Tenancy Agreement provided that:
- 4.6 The client continues to meet the eligibility criteria, including household annual income. In determining eligibility, Argyle Housing will consider whether the client has acquired assets that may reasonably be expected to resolve their housing needs
- 4.7 The renewal will not exceed the maximum term of tenure outlined in the relevant program agreements, policies and guidelines
- 4.8 If an existing client'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 client's income still falls below the minimum limit or exceeds the upper income limit for the relevant program by more than 25% the client 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
- 4.9 Transfers to other affordable housing properties are not permitted
- 4.10 Where a client is no longer eligible for Affordable Housing, but may be eligible for Social Housing, Argyle Housing will provide information to the client on how to apply to go onto the Social Housing Register. Affordable Housing clients in need of social housing will not automatically be transferred to a social housing vacancy with Argyle Housing and will be allocated a property in accordance with the NSW Social Housing Eligibility and Allocations Policy Supplement or equivalent in each State or Territory.

Mutual exchange

- 4.11 Mutual Exchange is not permitted.

Additional household members

- 4.12 Clients may request permission in writing if they want a person who was not listed on the original housing application or tenancy agreement to become an additional household member.
- 4.13 When considering requests for additional household members, Argyle Housing will take into account factors such as:
 - The relevant agreements, policies and 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

Succession

- 4.14 Argyle Housing may approve succession to eligible persons when:

- The client dies
- The client 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 client from accessing the property

4.15 People who may be eligible for succession are:

- The clients spouse or de facto who have been living with the client 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

4.16 Argyle Housing expects clients to pay two weeks rent at the commencement of their tenancy

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

Ending a tenancy

4.18 Argyle Housing may terminate a tenancy when the client:

- Is in breach of the tenancy agreement
- Has failed to provide income and eligibility information prior to the end of their tenancy agreement
- No longer meets the current eligibility criteria outlined in the relevant agreements, policies and guidelines
- Has exceeded the maximum of tenure outlined in the relevant agreements, policies and guidelines

Ex client debts and rent arrears

4.19 If a client vacates the property and owes rent arrears or debt, Argyle Housing will make a claim against the client's bond. If the money owed exceeds the bond or if there is a dispute over the bond, Argyle Housing 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 Housing will apply to the local court for a Garnishee Order to recover the unpaid amount and may refer the debt for collection by a private agent.

Break lease fees

In accordance with the State or Territory Residential Tenancy Agreements:

4.20 If a client with an affordable housing lease in NSW, wishes to break the fixed term of the agreement there will be set fees as follows:

- 4 weeks rent if less than 25% of the lease has expired
 - 3 weeks rent if 25% or more but less than 50% of the lease has expired
 - 2 weeks rent if 50% or more but less than 75% of the lease has expired
 - 1 weeks rent if 75% or more of the lease has expired
- 4.21 If the client with an affordable housing lease in the ACT, wishes to break the fixed term of the agreement there will be set fees as follows:
- If the fixed term is 3 years or less –
 1. If less than half of the fixed term has expired – 6 weeks rent; or
 2. In any other case – 4 weeks rent;
 3. If the fixed term is more than 3 years – the amount agreed between the lessor and client

Appeals

4.22 If a client believes Argyle Housing 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 website www.argylehousing.com.au or available from any Argyle Housing office. The form, or a letter, can be emailed, posted or delivered in person to any Argyle Housing office or submitted online via the Argyle Housing website.

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. For example, if Argyle Housing issues a Notice of Termination for breaches of the tenancy agreement.

See Argyle Housing's Appeals Policy for further information.

5. RELATED POLICIES AND DOCUMENTS

- 5.1. Delegation of Authority Schedule
- 5.2. Applications Policy
- 5.3. Appeals Policy
- 5.4. Succession Policy
- 5.5. Property-specific Policies, Procedures and Tools.
- 5.6. Argyle Complaints and Appeals policies
- 5.7. Residential Tenancies Act NSW 2010
- 5.8. Residential Tenancies Regulation NSW 2010
- 5.9. Residential Tenancies Act 1997
<http://www.dhcs.act.gov.au/hcs/socialhousing/eligibilityforpublichousing>
<http://www.housingpathways.nsw.gov.au>
- 5.10. National Rental Affordability Scheme (NRAS) Policy Guidelines
<https://www.dss.gov.au/our-responsibilities/housing-support/programs-services/national-rental-affordability-scheme/national-rental-affordability-scheme-nras-household-income-indexation>
- 5.11. NSW Affordable Housing Guidelines
<https://www.facs.nsw.gov.au/download?file=332789>
- 5.12. ACT Affordable Rental Scheme
<https://www.communityservices.act.gov.au/hcs/services/affordable-rental-scheme>
- 5.13. Common Ground – Intake and Assessment Policies and Procedures Part B
<https://www.commongroundcanberra.org.au/>
- 5.14. NSW Rentstart - <https://www.facs.nsw.gov.au/housing/help/ways/rentstart>

VERSION CONTROL

Version No.	Review Date	Author	Position	Next Review Date
4.1	21/11/2023	Milan Ostojic	General Manager	21/11/2025
4.2				
4.3				
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