Aboriginal Housing Victoria

Housing Services Manual

Chapter 2 – Applications, eligibility and waiting list management

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Chapter 2

Applications, eligibility assessment and waiting list management

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2. Applications, eligibility assessment and waiting list management -Policy and context

2.1 Purpose

This chapter outlines Aboriginal Housing Victoria's eligibility criteria for housing and the application approval process, including priority housing for households in urgent need of housing.

2.2 Scope

This policy applies to any person who lodges an application for housing with Aboriginal Housing Victoria.

The Priority Housing policy applies to applicants in urgent housing need.

2.3 Context

Aboriginal Housing Victoria (AHV) aims to provide appropriate, affordable and secure housing assistance for low-income Aboriginal people living in Victoria.

AHV actively manages its waiting list to ensure that Aboriginal households are matched to properties that will meet their particular housing requirements and those in urgent need of accommodation are offered early housing. AHV also seeks to assist potentially vulnerable families and households by facilitating links to appropriate support services. This may include support to obtain alternative housing until their turn is reached for AHV housing and to successfully maintain future AHV tenancies.

AHV optimises the use of the rental properties that it owns and those it manages on behalf of the Director of Housing (DoH), by applying housing size guidelines to determine the appropriate number of bedrooms for each household.

Approved applications are placed on waiting lists that match AHV's *Housing size guidelines* and the applicant's preferred area/s.

2.4. Cultural statement

The First Nations people of Australia have the oldest continuous cultures in the world. AHV celebrates and takes pride in the rich and spiritual culture, values and practices of Australia's First Nations people. We celebrate the significant contribution made by Aboriginal and Torres Strait Islander people and culture to the enrichment of Victorian society, and, we acknowledge and respect the special place of Victorian traditional owners as Victoria's First Nations peoples.

As an Aboriginal Community Organisation we acknowledge that our legitimacy is derived from the strong relationships we have with Victoria's Aboriginal communities and our success is through achievement of our shared vision and aspirations.

Our vision is that **Aboriginal Victorians secure appropriate, affordable housing as a pathway to better lives and stronger communities.**

We believe that achievement of our vision is through the provision of housing services which enhance the dignity of our clients and tenants and which respects and celebrates their cultural beliefs, values and practices.

Our policies and procedures are designed so that our practice and service delivery is in accord with this cultural statement.

2.5 Relevant legislative and regulation

- Residential Tenancies Act 1997
- Charter of Human Rights and Responsibilities 2006
- Housing Act 1983

2.6 Organisational context

Relevant AHV values that underpin our application and waiting list management policies include:

Respect and support for Aboriginal identity and culture and for our tenants and stakeholders

Integrity, trust and honesty in all our business activities

Collaborative relationships with our community, tenants, government and stakeholders

Kindness, compassion, courtesy and dignity in our relationships with our clients, our stakeholders and with each other.

Relevant AHV strategic objectives are to:

- Provide efficient and effective housing services for Aboriginal people;
- Develop constructive and mutually beneficial partnerships and relationships with the housing, community and corporate sectors;
- Develop best practice community and tenancy engagement;
- Advocate for, influence and deliver improvements in Aboriginal housing and other outcomes;
- Maintain high standards of accountability, probity and transparency to tenants, clients, the Aboriginal community, government and the public.

2.7. Key stakeholders

- Clients and prospective tenants
- Aboriginal Victorians, Aboriginal organisations, other community organisations and government agencies that have an interest in the delivery and outcomes of this policy.

2.8 Other relevant contextual factors

AHV is part of the social/community housing sector in Victoria. The sector provides long-term, secure rental accommodation to low-middle income Victorians through a large and diverse range of not-for-profit organisations. Community housing is highly regulated by government and as a social housing agency, AHV must comply with sector performance standards and demonstrate the capacity to manage a viable social housing business. Performance standards include allocating rental housing properties using processes that are fair and transparent.

2.9 Policy objectives

This policy aims to achieve the delivery of fair and responsive waiting list management services to eligible Aboriginal people who require safe, secure and affordable housing of a good standard.

AHV recognises that Victoria's Aboriginal households have varying needs for access to affordable and appropriate housing, and that these needs can change over time. AHV makes provision for priority housing allocations for both new applicants and current tenants in order to ensure that those most in need receive the earliest assistance.

AHV is committed to improving the delivery of its housing services and listens to the service concerns of new applicants and current tenants. Applicants are advised of their right to appeal decisions relating to their eligibility for AHV housing.

2.10 Responsibilities

Allocations Officer	Lead role in managing the waiting list
Board	Approves the policy, sets strategy, monitors policy implementation and performance, and, reviews policy when necessary
CEO with the Executive Management	Oversees and monitors policy implementation and approves procedures to implement the policy
Director of Operations	Administers the policy and ensures staff and contractors comply with the policy
Housing Officer	Provides information to current and prospective clients. Undertakes home inspections as required to assist assessment of applications.
Team Leader Client Services	Day to day supervision and support to Allocations/Housing staff in the delivery of waiting list management services

2.11 Definitions

Aboriginal person	Aboriginal and Torres Strait Islander person
AHV	Aboriginal Housing Victoria
CEO	Chief Executive Officer
DHHS	Department of Health and Human Services. The Victorian State Government authority responsible for the planning, funding and delivery of a range of public health, housing and community services.

DoH	Director of Housing. The DoH is a body corporate created under the *Housing Act 1983*. The DoH is the owner of public housing stock in Victoria and provides indirect funding to housing agencies to deliver social housing services.
Eviction for non-tenancy breaches	For the purposes of eligibility assessment, eviction for non-tenancy breaches means where AHV had previously: • obtained an Order for Possession for a non-arrears tenancy breach, such as anti-social behaviour and the tenant then vacated the premises, either as a result of, or prior to the execution of a warrant, or • issued an Immediate Notice to Vacate for dangerous behaviour or malicious damage , and either an Order of Possession was granted or the case was not heard at VCAT because the tenant vacated prior to the hearing date.
Non-arrears tenancy breaches	Relevant breaches are: • Malicious damage to premises • Endangering the safety of occupiers of neighbouring premises • Use of premises for illegal purposes • Breach of duty – serious nuisance (antisocial behaviour)
Public housing	Government owned and managed rental housing for low income Victorians
Residential Tenancies Agreement	An agreement signed between landlords and tenants at the commencement of the tenancy, which specifies terms and conditions in accordance with the RTA.
Statute of Limitations	A debt may be statute barred (that is, too old to pursue) because the *Limitations of Actions Act 1958* places a limit on the time a creditor is able to take legal action to recover a debt.
TRMC	Tenant responsibility maintenance compensation. Compensation claimed by AHV in circumstances where tenants are responsible for damage to AHV properties.
VCAT	Victorian Civil and Administrative Tribunal. The jurisdiction which includes the Residential Tenancy List.

2.12 Policy details - AHV waiting list

Individuals or households are required to lodge their application for housing by either completing the AHV application form or by marking their interest on their application form for public housing.

Applications can be lodged in person at an AHV office or by mail. The 'effective date' of the application is the date that it is received at AHV.

If the application is complete and all required documentation is provided, the application is assessed within 28 working days from the date that AHV receives the application.

Matching applicants with housing size and location is based on the following:

- AHV *Housing size guidelines*;
- consideration of any special accommodation requirements, such as access to particular location requirements, property access needs or property construction type for medical reasons; and
- availability of housing in the applicant's preferred area/s.

2.12.1 Eligibility criteria

To be approved to the AHV waiting list, applications are assessed against the following eligibility criteria:

- confirmation of Aboriginality for at least one permanent household member;
- confirmation of identity for all household members;
- income and assets including ownership of real estate;
- minimum age requirement for an applicant;
- Victorian residency;
- outstanding charges to AHV incurred during current or previous tenancies;
- during the previous 12 months, the applicant(s) and/or household member(s) were not evicted as a tenant of an AHV property for non-arrears tenancy breaches.

2.12.3 Confirmation of Aboriginality

Aboriginal identity can be confirmed in a number of ways. These include:

- provision of a Certificate of Aboriginality from a recognised Aboriginal community organisation (which includes a document that has a Common Seal);

- applicant/household member is known to AHV to be an Aboriginal person.

If an applicant/household member cannot confirm their Aboriginality through the above processes, AHV will accept an application if the applicant provides a statement from a recognised Aboriginal community organisation, confirming that the applicant has approached the organisation to seek a Certificate of Aboriginality but the request has not yet been processed.

Where the applicant/household member has not approached relevant agencies to seek a Certificate of Aboriginality, and/or does not have evidence to confirm Aboriginality, AHV provides information on services that may be able to assist them, including the Aboriginal Advancement League, local Aboriginal cooperatives, and the Koorie Family History Service (Koorie Heritage Trust).

AHV accepts the application subject to appropriate documentation being available to confirm Aboriginality prior to allocation of AHV housing.

2.12.4 Confirmation of identity

AHV requires proof of identity for all household members included on the application.

2.12.4.1 Applicants in prison

Applicants or household members currently in prison are eligible to apply for AHV housing.

AHV recognises that it may be difficult for prisoners to provide proof of identification. Where the prison liaison officer confirms that the applicant/household member is unable to provide standard forms of identification, alternative forms of identification may be accepted. In these circumstances the applicant/household member is required to provide standard proof of identification to AHV, following release from prison.

2.12.5 Income criteria

For the purposes of assessing income eligibility, applicants must provide income information for all household members receiving an income.

Applicants who receive Centrelink incomes have the option to authorise AHV to obtain the information directly from Centrelink.

AHV amends its income and asset limits annually, in line with the eligibility limits set by the Director of Housing (DoH).

All household income (other than specific purpose payments) is included when calculating household income eligibility.

2.12.6 Asset limit criteria

AHV assesses the value of realisable assets for the entire household to determine eligibility for housing. If households have assets that would enable them to afford other forms of long term

housing, e.g. renting in the private market for a ten year period, they are not eligible for AHV rental housing.

Consistent with DoH asset limits for public housing, the general AHV asset limit for households is $30,000. The asset limit for households who require major or full disability modifications is $60,000.

2.12.7 Ownership of real estate

An applicant or other household member who owns or has an interest in real estate of a value exceeding the asset limit, is generally ineligible for AHV rental housing. However the application may be approved if the applicant/household cannot make 'effective use' of the property because:

- it is not possible for the household to reside in the property or to continue to reside in the property; and
- the property is 'unrealisable', that is, it is not possible to sell their equity in the real estate.

2.12.8 Victorian residency

Applicants for housing are generally required to be current residents of Victoria. However AHV accepts applications from people living in other states who can provide a contact address in Victoria and who need to return to Victoria for family/kinship reunification, employment, medical, and/or education reasons, or to escape family violence.

Applicants residing outside Victoria do not need to provide a Victorian address if they reside within 10 kilometres of the Victorian border.

2.12.9 Minimum age requirements

Generally applicants for AHV rental housing must be 18 years and over. Applications from applicants 17 years of age and under may only be approved to the waiting list by the Director of Operations or delegate.

Applications from applicants aged less than 15 years may be approved by the Director of Operations where:

- the applicant's Child Protection worker provides written advice that no other housing arrangements are in place, and
- the applicant receives an independent income.

2.12.10 Outstanding charges

Applicants and other household members who have outstanding charges may be approved to the waiting list. Outstanding charges include both tenant responsibility maintenance compensation (TRMC) and rental arrears. An offer of housing can be made when the application reaches the top of the waiting list. However all outstanding charges must be paid before AHV will enter into a Residential Tenancy Agreement with the applicant.

2.12.10.1 Transfer applications

Existing AHV tenants who want to transfer to another property must meet the general housing eligibility criteria as outlined above. Any rent and/or substantiated maintenance charges incurred during the tenancy must be repaid before a transfer can occur and a new Residential Tenancies Agreement signed.

2.12.10.2 Underutilisation

To ensure the most appropriate use of its property portfolio, AHV seeks to identify properties that are underutilised by;

- checking property size against household composition for high demand property types,
- checking transfer applicants' household income,
- checking transfer applications when they are submitted,
- checking rental subsidy applications when they are submitted, and
- by recording information gained during home visits and inspections.

Once underutilisation has been established, AHV seeks to contact the tenant to discuss their interest in transferring and whether the property type, size and location to which they wish to transfer is likely to become available. If the tenant of an underutilised property expresses no wish to move, a record of the contact is made on the relevant tenancy file.

2.12.10.3 Bankruptcy

Applicants or other household members who have outstanding charges that are subject to bankruptcy may have their applications approved to the waiting list.

When a person is declared bankrupt, any outstanding charges up to the date they were declared bankrupt are not recoverable by AHV, and will not be required to be repaid prior to signing a further tenancy agreement. However any outstanding charges accrued after that date must be paid in full prior to the commencement of a new tenancy agreement. Refer to the Chapter 4 *Tenancy management* for further information.

2.12.10.4 The Statute of Limitations

AHV is unable to actively pursue statute barred debts in a court or tribunal. However, AHV policy requires household members who were former AHV tenants to pay all outstanding charges in full, or their portion of the outstanding charge, prior to being re-housed.

2.12.11 Other tenancy breaches

AHV does not approve applications for housing for a period of twelve months from the date a previous tenancy was terminated where:

- AHV obtained an Order for Possession for a non-arrears tenancy breach, such as serious nuisance or illegal use of premises; or
- AHV issued an Immediate Notice to Vacate for dangerous behaviour or malicious damage under s243 or 244 of the *Residential Tenancies Act 1997* (RTA), and either an Order of Possession was granted or the case was not heard at the Victorian Civil and Administrative Tribunal (VCAT) as the tenant vacated prior to the hearing date.

This policy applies to any household members listed on the application.

The application may be resubmitted when the waiting period expires or earlier if the ineligible applicant/household member is removed from the application. If the ineligible applicant/household member is removed from the application and then included on the application at a later date, the effective date of the application will be reduced by the relevant waiting period (that is, 12-months less the period of time between the tenancy termination date and the original application date).

2.12.12 Mutual Swaps

Eligible AHV tenants may swap their current property with other AHV tenants. Refer to Chapter 5 *Tenant-initiated changes* for further information on eligibility requirements for mutual swaps.

2.12.13 Carers

Carers who live with the applicant on a permanent basis and are eligible for housing are included on the application.

Carers who live with the applicant on a permanent basis, but are ineligible for housing are also included on the application. Following allocation of an AHV property, ineligible carers have the status of a resident. If the applicant leaves the property the carer/resident will also be required to leave.

Rostered attendant carers are not included as residents on the application.

AHV offers an extra bedroom to applicants who require full time live-in care.

2.13 Policy details - Priority housing

AHV's priority housing policy facilitates out of turn assistance to applicants in urgent housing need. AHV aims to improve an applicant's living circumstances by:

- providing a safer living environment compared to their current accommodation; or
- providing more appropriate housing to improve their health and well-being, or to overcome a situation of serious overcrowding; or
- preventing the household from an imminent risk of becoming homeless; or
- providing secure housing to an applicant who is experiencing homelessness.

In addition to the standard AHV eligibility criteria, applicants may be considered for priority or "out of turn" assistance, if they meet one or more of the following Special Housing Needs categories:

- insecure housing;
- inappropriate housing;
- unsafe housing;
- urgent medical needs.

Priority housing applications are also assessed against reduced income and asset limits.

Assessment for priority housing eligibility is potentially available to:

- new applicants whose current housing is highly unsuitable and/or insecure and alternative housing in the private rental market is unobtainable; or
- new applicants and current AHV tenants who have an urgent need to transfer to more appropriate housing, including urgent medical need and/or disability; or
- new applicants and current AHV tenants who are living in unsafe housing due to family violence, or serious threat of violence.

2.13.1 Other housing options

AHV requires new priority housing applicants to demonstrate that alternative accommodation to AHV is not a viable option for them. Applicants are encouraged to explore the private rental market and are assisted by AHV staff with the provision of information on the DoH Bond Loan Scheme.

Where the applicant indicates that they are unable to seek/obtain alternative housing, the following factors that may affect the capacity of an applicant to access private rental are taken into consideration:

- particular housing requirements, such as the need for a large property, for example, four or more bedrooms;

- capacity to search for alternative housing, due to a physical, psychiatric or intellectual disability;
- the applicant's previous private rental history, including listings on tenant databases;
- possible discrimination by private landlords or owners.

All applicants are also required to meet the priority housing income and assets limits and other general housing eligibility criteria.

2.13.2 Priority housing income limits

The maximum gross income limits for new applicants requesting Priority Housing assistance are based on income eligibility limits for a Commonwealth Health Care Card.

Applicants are not required to meet the Priority Housing category income limits if a member of the household requires major or full modifications to their property. In these circumstances, applicants are required to meet AHV general housing income limits eligibility criteria.

Existing AHV tenants applying for a Priority Housing transfer are required to meet AHV general housing income limits.

2.13.3 Asset limits for priority housing

The asset limits for Priority Housing are based on the estimated costs of securing appropriately sized housing in the private rental market.

Such costs include the bond, one month's rent in advance based on rents at the bottom quarter of the private rental market, removalist and utility connection and/or transfer charges.

The realisable assets of each household member are added together to determine the total household asset and the total applied against the asset limit for the appropriately sized housing.

In assessing asset limits for Priority Housing, AHV includes the same types of assets as for General Housing eligibility, but the value of the asset limit is lower.

Property Type	Household Asset Limit
1 and 2 bedrooms	$1,300
3+ bedrooms	$2,100

The reduced asset limits only apply to new applications. Existing AHV tenants applying for priority transfer are required to meet the asset limits for AHV general housing.

If a member of the household (new or transfer) requires major or full modifications, the asset limit for the household is $60,000.

Tenants approved for a transfer via the Priority Housing category who, as a matter of necessity, move into emergency accommodation, retain their existing priority housing status if confirmation is provided by the Police or relevant community agency, that the tenant was required to leave the premises for serious health/safety reasons. In these circumstances, existing priority housing status is maintained regardless of the tenant's decision to retain or terminate the tenancy.

2.13.4 Outstanding charges – priority housing

New and transfer applicants with outstanding charges may be approved to the Priority Housing category. However, all outstanding charges (both rental and TRMC) must be paid in full before AHV will enter into a Residential Tenancy Agreement with the applicant.

However, new and transfer applicants applying for Priority Housing who have outstanding charges and are experiencing family violence, and/or physical danger are not required to repay charges in full before signing a new tenancy agreement. In these cases, a repayment agreement must be negotiated at the time of application and the agreement must be maintained prior to an offer of housing being made, and a new Residential Tenancy Agreement commencing.

2.14 Policy details -Matching clients with housing

2.14.1 Number of bedrooms

When determining the appropriate number of bedrooms, AHV applies the following principles for both new and transfer applications:

- residents 18 years and over are entitled to their own room. They include children aged 18 years and over, grandparents, uncles and aunts, and non-related adults;
- siblings of different genders are not required to share a bedroom regardless of age;
- children of the same gender within a household containing two separate family units are able to share bedrooms (e.g. adult A + child 1 reside with adult B + child 2. Child 1 and 2 can share a bedroom if they are the same gender and both under 18 years);
- a bedroom is allocated to each individual in a same sex couple. However, same sex couples may opt to request smaller accommodation;
- children of the same gender who have an age differential of 5 years or more are entitled to a separate room.

On the basis of these principles, households are matched to property size, as outlined in the AHV *Housing Size Guidelines*.

The composition and eligibility of the household is reassessed prior to an offer of housing being made and also before AHV enters into a Residential Tenancy Agreement with the applicant.

Applicants may nominate accommodation with fewer bedrooms than the number calculated using the AHV *Housing Size Guidelines*. Following acceptance of a smaller property, the household will not be eligible for a priority transfer on the grounds of unsuitable housing or severe overcrowding. However, an application may be lodged for a general housing transfer to a larger property.

AHV provides separate/extra bedroom(s) if:

- a single applicant, couple or their dependants require a separate bedroom due to a serious medical condition or for storage of medical equipment that is unable to be accommodated elsewhere in the property;
- an applicant requires a separate bedroom for a full-time live-in carer;
- the applicant or household member is pregnant and:
    - presently has no children; or
    - is aware of the gender of their expected child and the expected child's gender entitles the household to an extra bedroom according to the AHV *Housing size guidelines*; or

- regardless of the expected child's gender, the household is entitled to an extra bedroom according to the AHV *Housing size guidelines*, eg, a household presently with two young girls would be entitled to an extra bedroom for a third child;

- couples without children intend to start a family;
- non-custodial parents have regular child access arrangements (a minimum of 21 percent of the year or every second weekend plus half of the school and public holidays);
- foster carers can demonstrate that on average, they are required to look after foster children for at least 21 percent of the year.

2.14.2 Housing type

Applicants or other household members with medical and/or mobility restrictions are offered housing that is suitable for their medical/mental health condition or disability. For example, an applicant who cannot regularly climb more than one flight of stairs will not be offered properties above the first floor, unless a lift is available. In other cases, specific amenity or housing features may be required, eg no carpet (serious allergies) or a private driveway or parking bay to assist mobility.

2.14.3 Assessing housing availability

When matching applicants to waiting lists, AHV considers the applicant's preferences, their particular circumstances and any approved exemptions, against the relative demand for the size of housing and waiting list areas nominated. The assessment is based on the demand for, and turnover of stock within the nominated area.

AHV recognises that its stock profile does not always provide for appropriately sized housing to be offered for smaller households. In some cases, applications may be approved to waiting lists for housing larger than the size calculated using AHV *Housing size guidelines,* if:

- appropriately-sized stock is not available; and
- alternative areas are inappropriate; and
- applicants are prepared to accept larger housing.

2.14.4 Waiting list management

Applications are placed on the waiting list based on the relevant housing category and their effective date.

Applications approved for priority housing are placed in order of their priority housing allocation category and the date of approval for priority housing.

General housing applications are placed in effective date order after all priority housing categories.

AHV maintains contact with applicants on the waiting list and questionnaires may be sent to applicants at any time, seeking current information on household composition and eligibility.

Confirming and updating the information on applications maintains the integrity and currency of the waiting list, and ensures that vacancy periods for AHV properties are not extended unnecessarily due to inappropriate offers of accommodation.

2.14.5 Changes to household circumstances

Once approved, a household's circumstances and housing needs may change during the period that their application is on the waiting list.

Only the primary applicant may make changes to a housing application.

In some circumstances, applicants may choose to withdraw or defer their application, or they may be assessed as no longer being eligible for housing. In these circumstances, AHV removes the application from the waiting list.

The application may be reinstated to the waiting list within 2 years of removal, if the household's eligibility for AHV housing is confirmed at the time of the request for reinstatement of the application. In these circumstances, the original effective date of the application is retained.

2.15 Change history

Version	Approval date	Approved by	Changes	Review Date
1	2008			2012
2	July 2012	AHV Board		2015
3	June 2015		Updated policy template	
4	24 Sept 2015	AHV Board	Consolidation and standard format of Tenancy Services Manual	2016