

# Waverley Housing for Older People Tenancy Policy

- First draft approved by Council in April 2012 for use in the tender process for an Affordable Housing Manager, finalised in November 2012
- Revised draft October 2013, endorsed for public exhibition in November 2013
- Final Draft endorsed by Council June 2014

DEPARTMENT: <b>Caring Waverley</b>
DATE CREATED: <b>May 2014</b>
DATE ENDORSED BY COUNCIL: June 2014
NEXT REVIEW DATE: <b>June 2019</b>
TRIM REF: A14/0377
Appendix update: July 2019

# Table of contents

1.	<b>Introduction</b>	<b>3</b>
2.	<b>Aims</b>	<b>3</b>
3.	<b>Purpose</b>	<b>3</b>
4.	<b>Coverage</b>	<b>3</b>
5.	<b>Requirements</b>	<b>3</b>
1.	<b>Eligibility</b>	<b>3</b>
	1 Criteria	3
	2 Income Eligibility Limits	4
	3 Approved Household	4
	4 Companion Animals	5
2.	<b>Allocation</b>	<b>5</b>
	1 WHOP Register	5
	2 Allocation of a Vacancy	6
	3 Refusal of an Offer	6
	4 Request for Property Modifications	6
	5 Request for Transfer	6
3.	<b>Rent</b>	<b>6</b>
	1 Rental Bonds	6
	2 Entitlement to Rent Subsidy	6
	3 Determining Market Rent	6
	4 Determining Subsidised Rent	7
	5 Rent Reviews	7
	6 Rent Arrears	7
6.	<b>Rights and Obligations</b>	<b>7</b>
	1 Residential Tenancies Act (NSW) 2010	7
	2 Tenancy Agreements	7
	3 Agreement to receive support	7
	4 Annual Inspections	7
7.	<b>Review</b>	<b>8</b>
8.	<b>Attachments</b>	<b>9</b>
	1: WHOP Accommodation	9
	2: WHOP Income Eligibility Limits	11
	3: WHOP Supporting Documentation	12
	4: WHOP References	13

## Acknowledgement

This policy draws substantially on the Department of Family and Community Services Housing NSW *Community Housing Eligibility Policy, and Rent Policy*.

Revisions		
Revision Date:	Council Meeting:	Council Resolution No.
May 2014	June 2014	CRD.41/14

## 1. Introduction

Over many years, Waverley Council has built up a small portfolio of accommodation to support the provision of secure social housing for its disadvantaged older residents. Parts of the portfolio have been developed in partnership with NSW Housing. Otherwise, the Program operates independently of state or federal government support. Council contracts with a Registered Community Housing Provider for management of the Program, which is known as the Waverley Housing for Older People (WHOP) Program.

## 2. Aims

Waverley Council's Housing for Older People Program aims to provide secure long term affordable accommodation for older people on very low - low incomes who have strong ties to the Waverley area. Tenants have renewable tenure for as long as they can live independently with, or without, community based support. Tenants in the program are charged rent of 25-30% of their income, depending on when they entered the Program.

## 3. Purpose

This policy sets out Waverley Council's requirements for the allocation and management of tenancies in the Waverley Housing for Older People Program. It is intended to ensure that the Program makes an effective contribution to the pool of accommodation support that is available to disadvantaged older people through various programs, and that its operation is consistent with expectations for the delivery of social housing through Community Housing Providers.

It sets out criteria for eligibility, requirements for allocation and rent charges, and tenants' rights and obligations. These are aligned with Family and Community Services NSW Community Housing *Eligibility and Rent Policies* as they apply to social housing.

## 4. Coverage

The policy applies to properties owned by Council, or owned in partnership with Housing NSW, for the purposes of providing subsidised rental accommodation for older people who meet the criteria described in this policy. The description of the portfolio attached at Appendix 1, is reviewed regularly and updated as required.

## 5. Requirements

### 5.1 Eligibility

#### 5.1.1 Criteria

To be eligible an applicant must establish their identity, and provide proof that they:

- Are a citizen or have permanent residency in Australia
- Are at least 55 years of age, or 50 years of age if they are Aboriginal or Torres Strait Islander
- Can sustain a successful tenancy with, or without, community based support
- Live in the Waverley Local Government Area at the time of application and have lived in the LGA for at least five years prior, or if living in another LGA at the time of application, have lived in the Waverley LGA for at least 10 years in the previous fifteen years

- Do not already have an allocation of secure subsidised social housing in the local government areas of Waverley, Woollahra, Randwick, Botany, or City of Sydney
- Do not own any property that could reasonably be expected to resolve their housing need
- Must have a live application on the NSW Housing Register and an application reference number
- Have a household income within the specified income eligibility limits at each annual income review.

Applicants must provide evidence to support their application for housing. A list of supporting documentation required is at Appendix 3.

Employees of Waverley Council and their immediate relatives, and employees of Council's Community Housing Manager are not eligible for the Program.

### **5.1.2 Income Eligibility Limits**

Applicants and tenants must meet the income eligibility limits for social housing tenants as set out in the *NSW Community Housing Eligibility Policy* which is updated annually.

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 the WHOP.

A household is eligible if their total gross assessable household income is equal to or below the specified income limits for that household type. The process for determining income must be consistent with that specified for social housing in the *NSW Community Housing Eligibility Policy*. Any income generated by the applicant and other household members 18 years or older is included in the assessable household income calculation. Some statutory incomes are excluded and some are discounted.

Incomes usually considered as assessable include the following payments:

- Most pensions, benefits and allowances paid by Centrelink and the Department of Veteran's Affairs
- Wages, salaries and some work allowances such as overtime, bonuses, shift allowances and penalty rates
- Other income such as regular superannuation, compensation, interest from savings and maintenance.

Incomes usually considered as non-assessable include payments received for a specific purpose such as allowances received to assist with a particular life circumstance or disability.

Income Eligibility Limits are at Appendix 2. These will be updated regularly.

### **5.1.3 Approved Household**

Allocations are determined on the demonstrated needs of the tenant. A person who does not meet the eligibility criteria may be considered part of the tenant's household only if proof is provided that the following criteria are met:

- The individual is married to, or has been in a long term de-facto relationship with, the tenant, or has been living in a household with the tenant for more than five years
- The individual fulfils an essential role as carer for the tenant
- The tenant fulfils an essential role as carer for the individual or individuals.

When the tenant ceases to occupy the unit, individuals who are part of their household who do not meet the eligibility criteria for the Program must vacate the unit. A plan for this eventuality must be prepared and signed by all parties at the time an allocation is accepted.

Rent for the unit will be calculated on the basis of the total household income according to the requirements set down for social housing in the *NSW Community Housing Rent Policy*.

A person who does not meet the eligibility criteria may become part of the household of a tenant provided that the criteria above are met, and that Council is notified and the arrangement is approved.

### **5.1.4 Companion Animals**

A tenant may apply for approval to keep a companion animal in their unit. Approval will be given only where it is agreed that an animal of that species and size can appropriately be cared for in the unit without damage to the property or disruption to the building's other tenants. If approval is given the tenant must sign a companion animal agreement.

The agreement will require that the tenant:

- Has the animal chipped and registered as required by law
- Takes responsibility to keep the animal in good physical and mental health
- Ensures that the animal does not damage the unit or common property
- Does not allow the animal to disturb the quiet peace and enjoyment of other residents
- Provides appropriate toileting arrangements for the animal within their unit and disposes of waste in the garbage
- Ensures continuous care of the animal
- Agrees to make other arrangements for the animal if any issues that may arise cannot be resolved through a management plan.

## **5.2 Allocation**

### **5.2.1 WHOP Register**

Approved applicants are placed on the WHOP Register from the date they become eligible for a property allocation in the Program. The 'eligible' date is the date on which the applicant provided proof that they meet all eligibility criteria. An applicant will become eligible for specified property types on the basis of their demonstrated

needs. Each applicant will be informed in writing of their 'eligible' date, and the type(s) of accommodation for which they are eligible.

The Register is reviewed annually in July. Each applicant on the Register will receive a letter seeking information that will enable update of their details. An applicant is responsible to maintain their place on the Register by responding to the annual review, and ensuring that Council or its agent has their current contact details.

An applicant who fails to respond to the annual review may lose their place on the Register. An applicant who cannot be contacted when a property vacancy arises may also lose their place on the Register.

#### **5.2.2 Allocation of a Vacancy**

When a property becomes vacant it will be offered to each applicant who is eligible to receive an offer of that property type, in turn, in order of their place on the WHOP Register.

#### **5.2.3 Refusal of an offer**

If an applicant refuses an offer, their name will be removed from the Register except that:

- An applicant who is unable to manage stairs or some other physical feature of the unit offered because of a medical condition or disability, may reject that offer and retain their place on the Register
- Any applicant may refuse the offer of a bed-sit and retain their place on the Register
- An applicant with an approved household of more than one person may reject the offer of a one-bedroom unit and retain their place on the Register
- An applicant who is temporarily not in a position to move due to ill-health or other demonstrated grounds of hardship may refuse an offer and retain their place on the Register.

#### **5.2.4 Request for property modifications on the basis of medical need**

A request for modifications to a property on the grounds of medical need or physical disability will be considered when the tenant supplies a detailed case in writing by a specialist medical or allied health practitioner. The practitioner must be willing to engage with Council or its agent in follow up discussions.

#### **5.2.5 Transfer from one property to another in the program**

A request for transfer to another unit will be considered when a tenant supplies evidence of a change in their circumstances. Grounds include: a decline in physical ability and changed household circumstances. If the request for a transfer is approved, meeting approved needs of that tenant will take priority over the needs of others on the Housing Register when a property becomes vacant.

## **5.3 Rent**

### **5.3.1 Rental Bonds**

A rental bond equivalent to two weeks rent is required, unless this requirement is considered to place an unreasonable affordability burden on the prospective tenant.

### **5.3.2 Entitlement to Rent Subsidies**

Market rent is the maximum rent payable for each property. Tenants who cannot afford market rent can apply for a rent subsidy. The rent subsidy is the difference between the rent paid by the tenant and the market rent.

### **5.3.3 Determining Market Rent**

The *Housing NSW Rent and Sales Report*, published quarterly, is used to establish the median weekly market rent in Waverley for each of the following property types:

- studio or one bedroom unit
- two bedroom unit.

Market rent for a property is the median weekly market rent for properties with a comparable number of bedrooms.

### **5.3.4 Determining Subsidised Rent**

A tenant who commenced their tenancy prior to 1 July 2011, will be charged rent fortnightly in advance, calculated at 30% of their total gross household income. The method of calculation of gross household income may vary depending on when a tenant entered the Program. Council's intention in this clause is to retain whichever method has been applied over the course of a person's tenancy.

A tenant who commenced their tenancy after 1 July 2011, will be charged rent fortnightly in advance calculated at 25% of their total gross assessable household income, and 100% of any Commonwealth Rent Assistance subsidy to which they are entitled. Subsidised rent will not exceed market rent.

Household income is calculated according to the guidelines for social housing contained in the *NSW Community Housing Rent Policy*.

### **5.3.5 Rent Reviews**

A rent review will be conducted every 6 months for subsidised rent, and every 12 months for market rent to recalculate the amount of rent payable by the tenant.

### **5.3.6 Rent Arrears**

A tenant who falls into arrears with their rent payments will be given a reminder and provided with an opportunity to negotiate a program of repayments at one week in arrears. Legal action will commence if these provisions have not resulted in an agreement at two weeks in arrears.

## **6. Rights and Obligations**

### **6.1 Residential Tenancies Act (NSW) 2010**

The rights and obligations of Council and its tenants in the Waverley Housing for Older People Program will be consistent with the Residential Tenancies Act (NSW) 2010.

### **6.2 Tenancy Agreements**

Council or its agent will enter into a residential tenancy agreement with the tenant for a property in the Program, in accordance with the Residential Tenancies Act (NSW) 2010.

### **6.3 Agreement to Receive Support**

Where an inspection or other interaction indicates that a tenant may require support to maintain their tenancy, referrals will be made to appropriate agencies. A tenant's agreement to receive support and cooperate with supporting agencies to maintain their unit may be made a condition of continuation of a tenancy.

### **6.4 Annual Inspections**

Council or its agent will conduct an inspection of the unit annually.

## **7. Review**

### **7.1 Review and update**

This Policy will be reviewed at least every three years. It will be updated as required to ensure consistency with relevant legislative and policy requirements. The first review date is June 2019.

Appendices will be reviewed annually in July, and updated as required.

## Appendix 1

### Waverley Housing for Older People Accommodation

April 2018

Accommodation available in Council's Housing for Older People Program consists of 7 x Bedsit units, 29 x 1 bedroom units, and 15 x 2 bedroom units in the configuration shown in the table below.

Waverley Housing for Older People					
Properties managed under contract	Program	Age	Bedsit	1 Bed	2 Bed
<b>Building A</b>					
1	WHOP	1984		1	
2	WHOP		B		
3	WHOP				1
4	WHOP				1
5	WHOP		B		
6	WHOP			1	
7	WHOP			1	
8	WHOP			1	
9	WHOP			1	
10	WHOP		B		
11	WHOP				1
12	WHOP			1	
13	WHOP		B		
14	WHOP			1	
15	WHOP			1	
16	WHOP			1	
17	WHOP			1	
18	WHOP		B		
19	WHOP			1	
20	WHOP			1	
21	WHOP		B		
22	WHOP			1	
23	WHOP			1	
24	WHOP		B		
			<b>7</b>	<b>14</b>	<b>3</b>
<b>Building B</b>					
1	WHOP	2006		1	
2	WHOP			1	
3	WHOP			1	
4	WHOP			1	
5	WHOP			1	
			<b>0</b>	<b>5</b>	<b>-</b>

Continued

Properties managed under contract		Program	Age	Bedsit	1 Bed	2 Bed
<b>Building C</b>			1920			
1	WHOP					1
2	WHOP					1
3	WHOP					1
4	WHOP					1
5	WHOP					1
6	WHOP					1
				<b>0</b>	<b>0</b>	<b>6</b>
<b>Building D</b>			1984			
1	WHOP				1	
2	WHOP				1	
3	WHOP				1	
4	WHOP				1	
5	WHOP				1	
6	WHOP				1	
7	WHOP				1	
8	WHOP				1	
9	WHOP				1	
10	WHOP				1	
				<b>0</b>	<b>10</b>	<b>0</b>
Properties managed under headlease		Program	Age	Bedsit	1 Bed	2 Bed
<b>Building E</b>			1940			
1	WHOP					1
2	WHOP					1
3	WHOP					1
4	WHOP					1
				<b>-</b>	<b>-</b>	<b>4</b>
<b>Building F</b>			1950			
1	WHOP					1
2	WHOP					1
				<b>0</b>	<b>0</b>	<b>2</b>
<b>Total</b>	<b>51</b>			<b>7</b>	<b>29</b>	<b>15</b>

## Appendix 2

### **Waverley Housing for Older People Income Eligibility Limits**

July 2019

Housing Pathways Income Eligibility Limits July 2019 - Social Housing/ NSW  
Department of Housing Pathways / Waverley Housing for Older People Program

Household members	Maximum gross weekly income
Head tenant (single)	\$625
Each addition adult 18+	Add \$235
First child < 18	Add \$305
Each additional child <18	Add \$100

## Appendix 3

### Waverley Housing for Older People

#### Documentation required to support an application

July 2019

It is important that all requested documents are provided to assess applications:

##### Proof of Identity

Provide any TWO from the list below for each person over 18 years listed on your application:

- a) Birth certificate
- b) Marriage certificate
- c) A current passport
- d) Medicare card
- e) Department of Corrective Services Release Card
- f) Motor vehicle driver's licence.

##### Proof of Citizenship/Residency (you must be an Australian citizen or permanent resident))

Provide ONE from this list for each person over 18 years listed on your application:

- a) Birth certificate
- b) A current Australian passport
- c) A current passport if not an Australian citizen
- d) Citizenship certificate/papers.

##### Proof of Residency in the Waverley LGA

Applicants must show that they have lived in the Waverley LGA for three years or at least years over the last ten years.

Provide any TWO of the following:

- a) Copy of Tenancy Agreement(s) in your name
- b) Water, Gas, Electricity Phone Bill in your name.

##### Proof of Income

Provide ANY from this list which apply to each person over 18 years listed on your application:

- a) If in receipt of a Centrelink income – a current income statement from Centrelink stating the type of benefit and amount (or signed Centrelink Authorisation Form that allows access to confirm your benefit details).
- b) If a wage or salary earner (full time, part time, casual earnings) – Provide ALL listed below:
  - i) Employer letter indicating your salary and length of time employed with current employer.
  - ii) Pay Slips
  - iii) Income tax return for the past two years
- c) If self employed
  - i) Profit and Loss Statement for the past two years
  - ii) Income tax return for the past two years.

##### Proof of Current Assets

Provide for each person over 18 years listed on the application:

- a) A savings bank pass book, bank statements for the last four weeks for an account which is used regularly (or current ATM mini statement listing the last 4 weeks transactions and verified against the ATM card)
- b) Records of any cash, shares or term deposits
- c) Proof of assets (e.g. share certificates, market valuation of any property owned by any member of the household).

## Appendix 4

### **Waverley Housing for Older People**

#### **References**

July 2019

*NSW Affordable Housing Ministerial Guidelines:*

<https://www.facs.nsw.gov.au/download?file=576199>

*NSW Community Housing Eligibility Policy:*

<https://www.facs.nsw.gov.au/housing/policies/eligibility-social-housing-policy>

*NSW Community Housing Rent Policy:*

<https://www.facs.nsw.gov.au/download?file=333282>

*Housing NSW Rent and Sales Report:*

<https://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard>