



# 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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# Chapter 2

## Applications, eligibility assessment and waiting list management-Policy and context

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### 1.1 Purpose

This chapter outlines Aboriginal Housing Victoria's (AHV) approach to the assessment and management of:

- applicants' eligibility for AHV's long-term rental housing programs;
- the prioritisation and allocation of vacant properties in AHV's rental housing portfolio; and
- successful and sustainable tenancies.

### 1.2 Scope

This policy applies to all long-term rental properties owned or managed by AHV.

This policy does not apply to transitional housing properties.

### 1.3 Context

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

The Victorian Housing Register (VHR) is managed by the Department of Health and Human Services (DHHS), on behalf of all social housing participating agencies, and provides a single point of entry to social housing in Victoria.

DHHS has established a common eligibility criteria for the VHR that are set out in the Eligibility Criteria Operational Guidelines. Applicants may complete a Register of Interest application or a Priority Access application, depending on their housing circumstances and income/asset eligibility.

AHV is a participating agency in VHR and applicants seeking long term housing with AHV must meet the VHR eligibility criteria.

Further details regarding VHR eligibility criteria, and applying for social housing can be found at:

<http://www.housing.vic.gov.au/apply-social-housing>

AHV aims to optimise the use of the rental properties that it owns. AHV targets its housing services to those in greatest need. Wherever possible, the particular housing requirements of households are matched with the type/size and location of properties available for offer.

#### 1.4. 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.

#### 1.5 Relevant legislation, regulation and standards

- *Housing Act 1983 (Vic)*
- *Residential Tenancies Act 1997 (Vic)*
- *Charter of Human Rights Act 2006 (Vic)*
- Performance Standards for Registered Housing Agencies (Housing Registrar)
- Registered Agency Agreement between AHV and the Director of Housing relating to participation in the VHR
- DHHS Victorian Housing Register Operational Guidelines.

#### 1.6 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.

### 1.7. Key stakeholders

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

### 1.8 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.

### 1.9 Policy objectives

This policy aims to achieve the delivery of fair and responsive rental allocations 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 offers priority access allocations to both new applicants and current tenants, in order to ensure that those most in need receive the earliest assistance.

AHV allocates long-term housing to eligible applicants and in a manner which:

- is fair, transparent and equitable;
- relieves households from housing stress;
- is in accordance with its contractual, legal, and regulatory obligations; and
- supports the financial viability of AHV's long term housing programs.

AHV will assess all applicants before making an offer of housing to determine suitability for a particular vacancy.

AHV seeks to support successful and sustainable tenancies when matching applicants to its properties. This means that AHV will make every effort to allocate housing that:

- prioritises households in greatest need of housing assistance;
- considers the health, safety, and support needs of applicants and household members;
- matches individual housing needs to available properties.

To promote transparency and ease of access to information on AHV services, AHV policies are publicly available and can be accessed via AHV's website [www.ahvic.org.au](http://www.ahvic.org.au).

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 offers of housing and allocations.

### 1.10 Responsibilities

|   |   |
|---|---|
| Allocations Officer                     | Lead role in identifying potentially eligible applicants, making offers of housing and signing up new tenants   |
| Board                                   | Approves the policy, sets strategy, monitors policy implementation and performance, and, reviews policy when necessary                                |
| CEO with the Executive Management Group | 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 confirm household eligibility for AHV tenancies   |
| Life Coach and Life Skills Worker       | Coordinates linkages with relevant support agencies to assist vulnerable tenants to receive the support they may need to maintain their AHV tenancies |
| Team Leader Maintenance and Operations  | Supervision and support to technical and client services staff delivering maintenance coordination and service delivery                               |
| Team Leader Tenancy                     | Day to day supervision and support to housing staff delivering allocations and tenancy management services.   |

### 1.11 Definitions

|                                   |   |
|-----------------------------------|---|
| Aboriginal person                 | Aboriginal and Torres Strait Islander person  |
| AHV                               | Aboriginal Housing Victoria   |
| ATAR                              | Aboriginal Tenants at Risk program. The ATAR program delivers a range of services including support and advocacy to Aboriginal tenants in public and community housing. The program supports people experiencing housing and homelessness crisis and provides referral and advice to homeless people.   |
| CEO                               | Chief Executive Officer   |
| Corrections Victoria              | A business unit of the Department of Justice and Regulation responsible for overseeing Victoria's corrections system.   |
| CRN                               | Centrelink Reference Number   |
| 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. DHHS also manages the Victorian Housing Register  |
| DoH                               | Director of Housing. The DoH is a body corporate created under the <i>Housing Act 1983</i> . 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: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> |
| Full disability modifications     | A fully-modified property which is wheelchair accessible.<br><br>In addition to the modifications required for the 'Major' category, this category would also include full kitchen and laundry modifications, to enable a person in a wheelchair to live independently.   |
| HO                                | Housing Officer   |
| Major disability modifications    | Includes: disability modified (stepless) shower, disability modified toilet, wheel chair access to some parts of the property, electric wheelchair  |



|                                 |  |
|---------------------------------|--|
|                                 | <p>charging bay, internal fire safety sprinkler system, and structural reinforcement for bathroom and bedroom hoists.</p> <p>Generally, does not include kitchen or laundry modifications as it is expected that a carer will provide assistance with meal preparation and laundry.</p>  |
| Minor disability modifications  | Includes modifications that can generally be made to all AHV properties: handrails, grab-rails, modified taps, hand held shower sets, step in shower, shower/bath seat, lowered hand basin, lowered benches or shelves, relocation of power outlets or light switches, lowered rails in wardrobes, additional hard-wired smoke detectors and door handles. |
| Non-arrears tenancy breaches    | <p>Relevant breaches are:</p> <ul style="list-style-type: none"> <li>• Malicious damage to premises</li> <li>• Endangering the safety of occupiers of neighbouring premises</li> <li>• Use of premises for illegal purposes</li> <li>• Breach of duty – serious nuisance (antisocial behaviour)</li> </ul>   |
| Notice to Vacate (NTV)          | A legal notice to the tenant to vacate the rented premises, issued by a landlord under Part 6, subdivision 4 of the Residential Tenancies Act 1997.  |
| 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.   |
| SAAP                            | Supported Accommodation Assistance Program. A joint Commonwealth/State government funded program that provides transitional accommodation and a range of related support services to help people who are homeless or at imminent risk of homelessness, including people escaping family violence.  |
| SDM                             | AHV's housing services electronic record system  |
| 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.  |
| THM                             | Transitional Housing Manager. Provider of transitional housing and related support services under through the Supported Accommodation Assistance Program.  |
| 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 that includes the Residential Tenancy List.  |
| VHR  | Victorian Housing Register. The state-wide common application for people seeking social housing that can be accessed via participating community housing agencies, DHHS, the mygov portal or designated support providers. |

### 1.12 Policy details - Eligibility for housing

AHV selects suitably eligible applicants from the VHR for allocation to AHV vacant properties. Under the VHR, applications are assessed through one of two categories:

- *Priority Access* – for people who have an urgent housing need and meet low income and asset eligibility limits. An urgent housing need includes:
  - homeless and receiving support;
  - escaping family violence;
  - disability or significant support needs;
  - special housing needs.
- *Register of Interest* – for people who do not have an urgent housing need but may benefit from social housing and meet higher income and eligibility limits.

Where a suitable applicant being considered for a vacancy does not have a current VHR application but is eligible for priority access under the VHR and suitable for that vacancy, AHV will assist such applicants to make a VHR application. AHV will also support applicants to access other services as required.

#### 1.12.1 Additional requirements for eligibility for long term AHV housing

To be approved and/or receive an offer of an AHV property, applications are assessed against the following additional eligibility criteria:

- confirmation of Aboriginality for at least one permanent household member;
- payment of any outstanding charges with AHV (applications may be approved for inclusion on the VHR but AHV will not enter into a new Residential Tenancy Agreement with the applicant until outstanding charges are paid); and
- 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.

#### 1.12.2 Confirmation of Aboriginality

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

- provision of a Certificate of Aboriginality from a recognised Aboriginal community organisation (which includes a document that has a Common Seal); or
- some other form of documentation that satisfies AHV that the applicant/household member is an Aboriginal person.

Where the applicant/household member 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).

Applicants are not required to provide evidence of Aboriginality to be approved for inclusion on the VHR. However, as AHV is an Aboriginal Community Controlled Organisation, delivering services to Aboriginal people, evidence of Aboriginality for at least one household member must be provided prior to an offer of an AHV property.

### 1.12.3 Outstanding charges

Outstanding charges include both Tenant Responsibility Maintenance Compensation (TRMC) and rental arrears, and must be paid before AHV will enter into a new Residential Tenancy Agreement with an applicant or existing tenant.

However, new and transfer applicants applying for priority access 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 will 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.

### 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.

### 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.

### 1.12.4 Other tenancy breaches

AHV does not offer further 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.

#### 1.12.5 Minimum age requirements

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

Offers of housing to 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.

The applicant's guardian is required to sign the tenancy agreement with the applicant, or on behalf of the applicant.

#### 1.12.6 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 the wish to remain in their current property, a record of the contact is made on the relevant tenancy file.

#### 1.12.7 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.

#### 1.12.8 Carers

Carers who live with the applicant on a permanent basis and are eligible for AHV 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.

#### 1.12.9 Existing tenants who vacate due to serious health/safety issues

Tenants approved for a priority access transfer may, as a matter of necessity, move into emergency accommodation. 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, the tenant's existing priority transfer status is maintained, regardless of the tenant's decision to retain or terminate the tenancy.

## 1.13 Policy details –Matching clients with housing

### 1.13.1 Number of bedrooms

In allocating housing, AHV has regard for the VHR operational guideline, *Clients with Special Accommodation Requirements*.

AHV aims to allocate properties with specific features that are in high demand and short supply, to those applicants who require these features. This may include properties:

- suitable for older people;
- built or modified to meet the needs of people with a disability;
- with ground floor and/or level access; and
- with yards/gardens.

AHV may ask applicants to provide reasonable evidence to substantiate any particular housing requirements, if this is not included with the VHR application.

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.

### 1.13.2 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.

### 1.13.3 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.

#### 1.13.4. Supporting sustainable and positive tenancies and communities

AHV may adopt various strategies in allocation of vacancies in response to:

- a high concentration of social housing stock in a particular area;
- a high concentration of tenants with multiple health, social or economic issues in a particular area or development;
- existing tenancy management issues (or the potential for future issues to develop);
- existing neighbourhood tensions or disputes which may be exacerbated if allocations are not sensitively handled; and/or
- a mismatch of supply and demand that results in a property being hard to let.

#### 1.14 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       | September 2015 | AHV Board   | Consolidation and standard format of Tenancy Services Manual | 2016        |
| 5       | November 2017  | AHV Board   | Consistency with VHR guidelines                              | 2019        |
| 6       | December 2018  | AHV Board   | Transition to VHR  | 2019        |