

Housing Operating Policies, Procedures and Guidelines

Section 10:

Special conditions and programs

Policy statement

10.01 National Rental Affordability Scheme (NRAS)

10.02 Affordable housing programs

10.03 Supported housing agreements

Version: 1.00

Last updated: 30/11/2018



Policy statement

Head leased properties

Momentum Collective may from time to time lease a property from a private landlord and sub-let that property to a social housing eligible applicant at social housing rebated rental rates.

Where private rental market properties are leased by Momentum Collective, social housing eligible applicants may be offered a tenancy for a fixed term in this property.

Upon the relinquishment of a head lease property, Momentum Collective will endeavour to ensure the tenant is offered more permanent accommodation, or is assisted to locate to appropriate housing.

Where financially able, and where doing so would be useful for Momentum Collective to respond to a specific housing applicant or application, it may lease a property under its organisation's name.

Momentum Collective may offer this as a fixed term tenancy and will apply the Community Housing Rent Policy in charging the tenant rent and other expenses.

Transitional tenancies

Standard

Momentum Collective will provide transitional housing to clients in order to reduce stigma across the community for people experiencing disadvantage; provide medium-term safe and affordable housing opportunities for people on low incomes; support people with urgent and complex support and housing needs on their journey of recovery or their pathway to improving their quality of life.

Aims and Objectives

The aim of Momentum Collective's transitional housing is to provide fixed-term accommodation for people who are working towards securing independent accommodation while supported by Momentum Collective or another service provider.

Momentum Collective is committed to offering a limited number of fixed-term leases to people engaged in support programs delivered by Momentum Collective and other service providers.

These leases are intended to offer people a medium-term housing option while they work with support providers to improve wellness, establish independent living skills and move towards stable housing outcomes.

Momentum Collective will not allocate a transitional property to any person on a permanent basis. Leases will be provided on a fixed-term basis only.

Eligibility

The eligibility criteria for Momentum Collective's transitional housing requires that the person approved for transitional housing must have:

- An identified urgent and complex housing and support need and be engaged in support programs delivered by Momentum Collective or other service providers
- A current and valid housing application lodged through the NSW Housing Pathways system
- A current support plan in place with Momentum Collective or another service provider and agree to continue their engagement with the program for the duration of the fixed-term lease on the transitional property

Where a person has not lodged a housing application through Pathways, Momentum Collective will assist the person to:

- find the most suitable housing product to meet their needs

- lodge applications for the appropriate housing services and, where required, refer them to another service provider who assist them with completing the documentation

Roles of support workers

The role of support workers and case managers from Momentum Collective and other service providers is to assist people to assist clients to complete the application process and assist them to sustain their transitional accommodation while working towards identified personal goals which may include:

- improving mental and physical health
- managing medication
- developing and enhancing daily living and budgeting skills
- connecting with their community of choice
- developing and sustaining relationships

Agreement conditions

In the event a person is identified as eligible for an Momentum Collective transitional housing property, they will be offered:

- a trial one-month fixed-term lease.
- subsequent fixed-term leases of up to three months will be offered (with a maximum of two consecutive three-month leases), where agreed by Momentum Collective and the support provider, to allow the person to continue with their support and progress towards a more permanent housing solution.

Continued engagement with a support provider is a requirement for the provision of fixed-term tenancy agreements in line with NSW Social Housing Residential Tenancy Agreements.

Tenants who choose not to engage with their support providers as initially agreed, will not be offered ongoing transitional housing beyond the expiry of their current lease.

Affordable housing

Definitions

Term	Meaning
Affordable Housing	Housing that is appropriate for the needs of a range of low and moderate-income households
Affordable housing supply	Is owned by a community housing provider; has been acquired through public or public and private financing; is allocated to very low, low or moderate income households in housing need, is financially self-sustaining
Targeting of assistance	Assistance is targeted at those in need with identified housing stress and unable to resolve this need in the medium-long term without assistance
Service delivery goals	Affordability - discounted rent Workforce incentives – improving economic circumstances Appropriateness – well located dwellings adhering to specified housing standards Access and information – about affordable housing choices Social mix – maintained through housing projects

Standard

Momentum Collective will develop and provide access to affordable housing options households on low-moderate income experiencing housing stress to support household income growth and potential home ownership into the future.

Aims and objectives

Momentum Collective will develop affordable housing properties and options for people in its existing and new areas of operation and will apply management and eligibility guidelines which align with Federal and NSW Government recommendations.

Affordable Housing products will be developed to assist households on low or moderate incomes to secure affordable rental properties, preferably in the area where they work.

Momentum Collective will apply eligibility for affordable housing products according to the guidelines published by the Commonwealth Department of Social Services National Rental Affordability Scheme (NRAS) or the NSW Affordable Housing Guidelines. Rents will be applied at a discounted rate (as low as 75%) of market rent determined by the location of the property.

Affordable Housing renters will be fully assessed and supported to maximise their Commonwealth Rent Assistance (CRA) entitlements

Affordable housing tenancies are treated as social housing tenancies under the *Residential Tenancies Act 2010*.

Eligibility criteria

As well as meeting the criteria for income, housing need and assets, applicants must:

- be a citizen or have permanent residency in Australia
- be a resident in NSW
- be able to establish their identity

Eligibility of a household will be assessed against their income, housing need and assets. Affordable housing income bands are defined as:

Low – 50-80% of the median household income for Sydney or rest of NSW

Moderate – 80-120% of the median household income for Sydney or rest of NSW

Household income levels will be assessed against [gross household income limits set by the relevant affordable housing guidelines](#) based on the 12 months *prior* to commencement of tenancy of an Momentum Collective affordable housing property.

Existing tenants will cease to be eligible if their household income exceeds the applicable household income limit by 25% or more in two consecutive eligibility years.

Allocation

Momentum Collective will allocate affordable housing based on a number of factors including:

- financial viability (possible allocation of higher income households in the short-term to offset contingent risks with a balance across the three income bands to be rectified in the longer-term)
- provision for allocations on a priority basis
- achieving a mix of income bands and household sizes in/and or across housing projects
- matching supply to need
- applicants' connection to the local area

Rent setting

When setting rent rates, Momentum Collective will base rent on the local rental market, with a view to setting rents which are less than 74.9% of the local market in order to secure maximum Commonwealth Rental Assistance (CRA) and GST free status in most locations.

There may be instances where rent prices may vary for individual units of housing according to amenity and location of the dwelling.

The process for implementing rent increases will be consistent with affordable housing principles and the *Residential Tenancy Act 2010*.

Reviews of eligibility

Affordable housing is provided for a fixed term relevant to the tenant's circumstances. In line with the Residential tenancies Act 2010, an eligibility assessment of a household cannot be undertaken earlier than six months before the end of the fixed term.

Leases for affordable housing are eligible for renewal for a further term on the condition that tenants continue to meet eligibility criteria.

Where a household's income is above the maximum income limit for moderate income, the ability of the household to move immediately to private rental or home ownership will be assessed in consultation with the tenant. The following factors will be considered:

- cost of appropriate private rental housing
- probability of a household saving sufficient funds to enable a move to home ownership in the short term
- specific location needs for schooling, employment or necessary medical or family support
- In these circumstances, the tenant may be offered up to 12 months to move to alternative accommodation.

Termination of a tenancy

The termination of an affordable housing tenancy will be undertaken in line with the *Residential Tenancies Act 2010* and on the grounds that the tenant is no longer eligible for affordable housing (a review of eligibility can only be undertaken within six months of the lease expiring).

In the event the tenant does not agree with Momentum Collective's assessment of their eligibility, the tenant can request the decision to terminate the tenancy be reviewed on the grounds that the tenant is no longer eligible and the time periods to be observed in giving a termination notice.

Applicant and tenant rights

In the event an applicant or tenant requests a review of a decision by Momentum Collective in relation to eligibility, rent setting and tenure, an internal review of the decision will be undertaken as soon as practicable. If the applicant or tenant is unsatisfied with the internal review decision, they may take their appeal to the Housing Appeals Committee (HAC) for an independent review of the original decision.

ENDORSEMENT	
Version	1.1
Ratified by	Board of Directors
Date	July 2017
Review	July 2019
Person responsible	Director Property & Housing
Legislation and other requirements	<ul style="list-style-type: none"> • Residential Tenancies Act 2010 (NSW) • Residential Tenancies Regulation 2010 (NSW) • Community Housing Access Policy • Community Housing Asset Management Policy • Community Housing Eligibility Policy • NSW Affordable Housing Guidelines (current) • NRAS Policy Guidelines (current)
Related policies and procedures	<ul style="list-style-type: none"> • Quality Improvement Council Standards (Community Services) <ul style="list-style-type: none"> • Standard 1.7: Risk Management • Standard 1.8: Legal and Regulatory Compliance • Standard 2.1: Assessment and Planning • Australian Work Health and Safety Standards • AS/NZS 4801

10.01 NRAS

Note: Section deleted 30/11/2018 as Momentum no longer provide housing under the National Rental Affordability Scheme (NRAS).

10.02 Affordable housing programs

Purpose

- To provide direction to Housing staff in relation to conducting annual income eligibility reviews of tenants living in affordable housing properties
- To ensure that Momentum meets its obligations under the NSW Affordable Housing Program Guidelines.

Definitions

Affordable housing ("AH")	Housing managed by Momentum according to the NSW Affordable Housing Guidelines: <Addresses removed>
Guidelines	NSW Affordable Housing Program Guidelines (current version)

Responsibilities

- Market rent setting – Momentum Finance Director
- Initiating and conducting reviews, documentation– Momentum Tenancy Officers
- Approval of new agreements, agreement extensions for ineligible tenants – General Manager Housing

General eligibility criteria

To be eligible for the Momentum Affordable Housing Program, the client must:

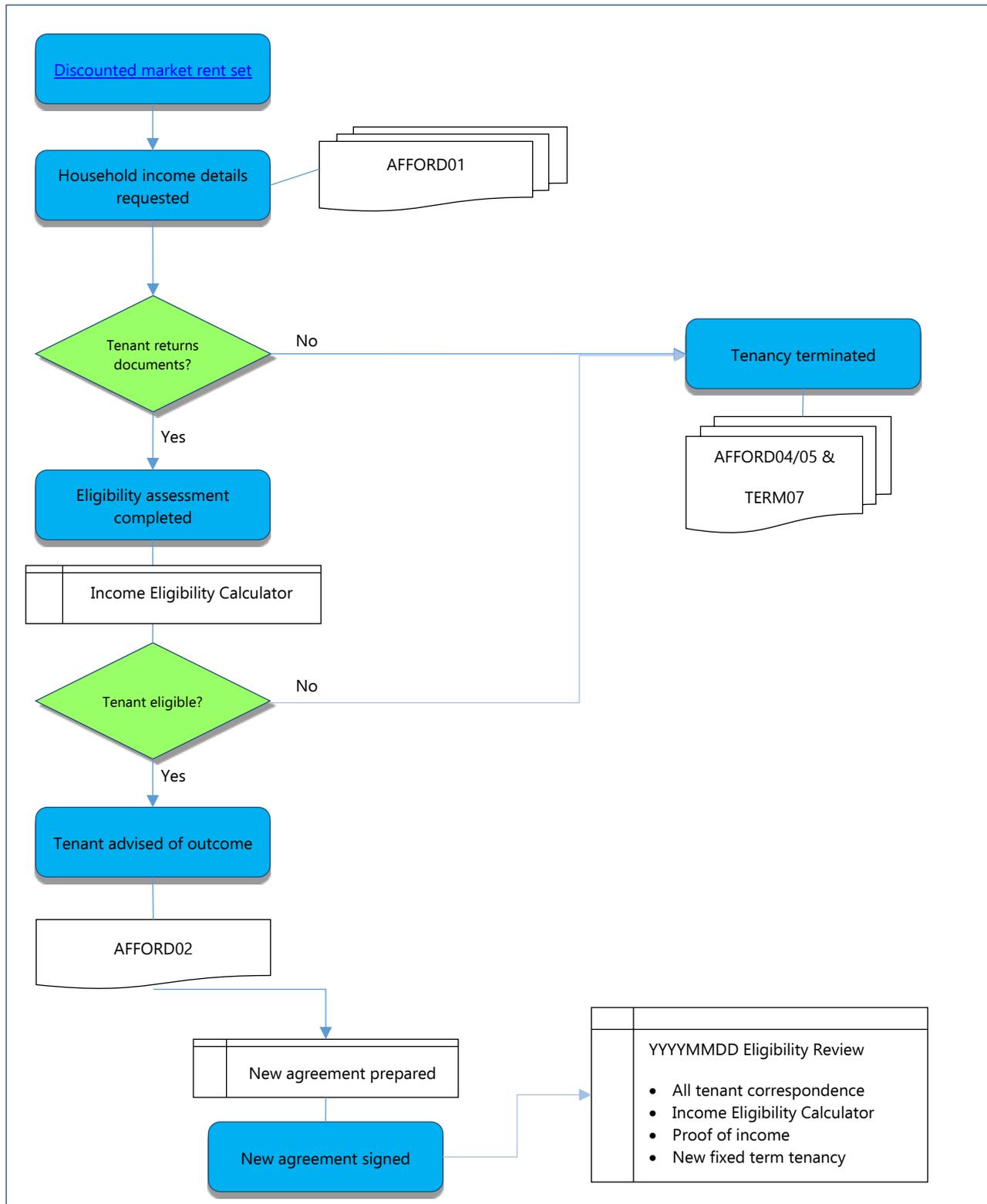
- Be a citizen or have permanent residency in Australia
- Be a resident of NSW
- Establish their identity
- Be able to sustain a successful tenancy
- Where applicable, make repayments of any former debts to a community housing provider in NSW
- Be a least 18 years of age
- Be in housing need and unable to resolve this need in the medium to long term without assistance
- Not have assets or property which could reasonably be expected to solve their housing situation
- Be eligible according to the income eligibility criteria according to the NSW Affordable Housing Guidelines ("the Guidelines")

Affordable housing applications and allocations

Refer to **Section 1: Access to Housing** for procedures in relation to:

- the receipting and assessment of applications for affordable housing; and
- selection of affordable housing tenants.

Procedures for conducting annual eligibility reviews



Background & Rent setting

Overview

Momentum conducts an annual eligibility review for all affordable housing (AH) tenancies. As part of this review, each household will be required to demonstrate that they continue to meet the income eligibility guidelines for the program.

It is expected that these annual eligibility reviews are completed by 30th June each year.

Continued AH eligibility will be based on the total income received by each household in the preceding 12 month period.

It is a requirement of the Guidelines, in relation to annual eligibility reviews, that it must be strictly adhered to by all participants.

These procedures have been adopted to ensure full compliance with the Guidelines. Therefore, Momentum acknowledges the importance of meeting all terms, conditions and deadlines outlined in this document.

Market rent setting

See Momentum Rent Setting procedures.

Prior to commencing each review, the market rent (and discounted market rent) rates will be jointly set by the Finance Director and GM Housing

Request for details/notification to tenants

AH tenants are sent an advice letter (AFFORD01) requesting income details, attaching a copy of the Household Income Survey (HIS).

Proof of income documents must be provided by the tenant, as outlined in the written advice.

Where tenants have signed an authority for Centrelink income to be checked by Momentum, income statements can be downloaded from Centrelink.

The HIS and all required verification documents must be returned by the tenant within 14 days.

Receipting/follow-up of documentation

Procedural issues

When an HIS form is submitted, all signatories to the Residential Tenancy Agreement are required to sign the HIS form before the application is assessed by Momentum. Check that the signatures on the HIS match the existing signature/s on the residential tenancies agreement and/or other signed documents.

Where signatures do not match and there is no record of a representative of the tenant signing the application, contact the tenant and ask them to provide further identification.

Further documentation required

If further documentation is required, immediately contact the tenant to seek provision of the outstanding information. A written request can be made by using the AFFORD03 letter, however a minimum period for compliance must be set. Ensure that the tenant is given no longer than seven (7) days to return the required documentation.

The Guidelines requires that tenants supply the information requested on them.

Documentation not returned

If the required information is not returned:

- Send the AFFORD05 letter
- Attach a TERM07 Termination Notice

When setting the termination notice expiry date, provide a minimum of three (3) months notice.

Assessment and approval

Once all the documentation has been returned by the tenant, enter income information into the Income Eligibility Calculator.

Note: Ensure that the current Guidelines eligibility rates are used, when assessing eligibility.

System entries

- | | |
|-----------------|---|
| Advice and HIS: | <ul style="list-style-type: none"> • Save a copy of the advice to the tenant's file • Add a tenancy note to Chintaro: • Using "Eligibility review (advice)" as the Note type • Attach a link to the saved advice • Set an Action Date that corresponds with the date that the tenant is required to provide the information by |
| Assessment: | <ul style="list-style-type: none"> • Save a copy of the proof of income, HIS, Income Eligibility Calculator and any other correspondence to the tenant's file – as "YYYYMMDD Eligibility Review" • Add a tenancy note to Chintaro: • Using "Eligibility review (outcome)" as the Note type • Attach a link to the saved Eligibility Review document package • Refer the note to the GM Housing for approval, where the decision will be recorded within the note |
| Outcome: | <ul style="list-style-type: none"> • Copies of outcome advices & new agreements are added as additional tenancy notes |

Tenant eligibility

Affordable housing guidelines

The eligibility of the tenant will be assessed against the relevant criteria and the current income eligibility limits as defined by the Guidelines. In relation to ongoing eligibility, important elements of the Guidelines are:

- Gross household income cannot exceed the relevant limits, as set by the
- The tenant must supply the information requested or the tenant will be declined assistance;
- Momentum must hold appropriate documentary evidence of ongoing tenant eligibility.
- Tenancy Officers should be satisfied that they have taken reasonable steps to determine accurately the household income;
- An "adult" is defined as anyone over the age of 18 years, or a person under the age of 18 years living independently outside of the family home;

Tenant meets eligibility limits

If the tenant is eligible for a further tenancy with Momentum, advise the tenant in writing (AFFOR02) and seek arrangements for a further fixed-term residential tenancies agreement to be signed by the tenant.

The tenant is required to sign the new agreement, prior to the expiration of the current agreement.

Tenant is ineligible

If the tenant is ineligible for a further tenancy, because they have failed to meet the ongoing eligibility criteria, the tenant is ineligible for a further agreement with Momentum.

In such matters:

- The AFFORD04 letter is sent to the tenant, providing information about the household income assessed by Momentum as compared to the current NRAS eligibility limits; and
- A Termination Notice issued under section 143 of the Act (TERM07).
- If the notice expires, and the tenants has not vacated the property, an application is made for an order to terminate the tenancy, from the NSW Civil and Administrative Tribunal (NCAT). See Momentum Termination procedures, for further information.

Momentum provides a minimum notice period of three (3) months, however there is discretion under the Guidelines for a transitional period of up to 12 months to be given. Where it is considered that circumstances warrant a longer notice period than the minimum Momentum notice period, the matter can be referred to the GM Housing for approval of an extension.

Note: The Ministerial Guidelines in relation to termination of affordable housing agreements under section 143 of the Act requires minimum notice periods to be given and a right of appeal by the tenant.

6. Guidelines compliance Documents

All documentation should be retained on the tenant's file including:

- Letter of notification of income review
- Completed and signed HIS
- All verification of income documents
- Any further documentation, e.g. requests for further documentation, evidence of residents having left accommodation, termination notices, etc.
- A copy of the Income Eligibility Calculator assessment, signed and date by the reviewer
- Letter of notification of income review outcome to tenant

Standard letters

<p>AFFORD01 – Eligibility review advice</p>	<p>In order to assess your eligibility for a new tenancy with Momentum, you are required to provide details of all sources of income for each household member.</p> <p>I have attached a Household Income Survey which should be fully completed and returned to this office within fourteen (14) days:</p> <p>We proof of your current household income. If you have provided an authority for Momentum to directly access your Centrelink information, then we will collect that information when you return the attached Survey.</p> <p>If you have not provided a Centrelink authority, then you are required to provide proof of income received by your household for the past 13 weeks. This information will need to be returned to Momentum with your completed and signed survey.</p> <p>If you are eligible for a further tenancy with Momentum, your new weekly market rent will be <NewRent>from <NewAgreementstart>.</p> <p>Failure to provide the proof of income documents required within 14 days could lead to the termination of your agreement with Momentum.</p> <p>If you have any questions about the documents, please do not hesitate to contact me at the local Momentum Office.</p>
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AFFORD02 – Eligibility approval	<p>Thank you for recently supplying us with information about your household income.</p> <p>I am pleased to advise that, under the NSW Affordable Housing Guidelines, you are eligible for a further fixed term agreement with Momentum. I have prepared a new 12-month agreement for you, which will expire on <> .</p> <p>As previously advised, the weekly rent under your new agreement will be <NewRentHere></p> <p>Please contact me at the office to organise a convenient time for this agreement to be signed.</p>
AFFORD03 - Further information required	<p>Momentum is currently reviewing your continuing eligibility for the Affordable Housing Program.</p> <p>In order to complete our assessment, we require the following further documentation from you:</p> <p><Information>.</p> <p><Information>.</p> <p><Information></p> <p>Please provide this information to your local office by <Date>.</p> <p>Failure to supply this information may affect our assessment of your continuing eligibility for housing with Momentum.</p> <p>Please contact me if you require any further assistance.</p>
AFFORD04 – Ineligible for new agreement	<p>Thank you for supplying information about the current income of your household.</p> <p>The outcome of your assessment is as follows:</p> <p>Category - NRAS Eligibility Limit - Your assessed income</p> <p>Our assessment shows that your household income exceeds the income eligible limit for the NSW Affordable Housing Program. Unfortunately, this means that you are no longer eligible to remain in this accommodation.</p> <p>We appreciate the fact that you have been an excellent tenant and it is regrettable that your tenancy with us must come to an end. However, the ongoing eligibility requirement helps us provide housing for those people who are unable to afford to live in the private rental market or to enter home ownership. It would be our pleasure to provide a private rental reference for you.</p> <p>Your final agreement with Momentum will end on <ExpiryDate>. I have attached a Termination Notice, that I am required to do under the Residential Tenancies Act 2010.</p> <p>If you disagree with our decision you have the right to lodge an appeal. It is very important that you contact me at the office to discuss this letter.</p>
AFFORD05 – information not returned	<p>I refer to our recent contact with you concerning an assessment of your eligibility for continued assistance under the Affordable Housing Program</p> <p>The Guidelines require that tenants provide the information requested of them to establish their eligibility from the program. As we have not received a response to our request for information, I am writing to advise you that Momentum has no alternative but to terminate your tenancy under section 143 of the Residential Tenancies Act 2010 (NSW).</p> <p>A termination notice is attached to this letter.</p> <p>If you disagree with our decision you have the right to lodge an appeal. It is very important that you contact me at the office to discuss this letter.</p>

10.03 Supported housing agreements

Momentum Collective (“Momentum”) acknowledges that the clear separation of its delivery of housing management functions from the supply of direct care and support services to the client, provides for better client and organisational outcomes in relation to:

Choice	Separation of these services makes it easier for the occupant to change, switch or remove one of the services without affecting their reliance on the other.
Accountability	It is more likely that Momentum will deliver a good service as clients understand that separation provides an increased option of switching providers if they are dissatisfied with one of the services being offered.
Clarity	Each relationship for the occupant, i.e. with the service provider and with the housing provider, is more clear.
Specialisation	Participants receive a specialised service from each of the service streams.
Protection of Consumer and Participants’ Rights	Potential conflicts of interest that could negatively impact upon the wellbeing of or on rights of occupants can be acknowledged, planned for and managed in a way to avoid or minimise of avoid such conflicts.

To assist in this separation of housing and support, a written agreement will be in place between both Momentum Housing and the supplier of the support services that clearly separates the roles and responsibilities of each party in relation to establishing and/or resolving:

- Client privacy and information sharing controls;
- The management of potential real or perceived conflicts of interest;
- Work health and safety issues;
- The general delivery of tenancy and property management services;
- The delivery of personal support and care services;
- Responsibility for all operating costs in the delivery of housing and support services;
- The management of vacancies; and
- Protocols in relation to the tenant failing to engage with or withdrawing from support.

Approved by:	General Manager Housing
Person responsible	General Manager Housing
Legislation or other requirements	<ul style="list-style-type: none"> • National Regulatory Scheme for Community Housing • NSW Affordable Housing Guidelines (Housing NSW, Family and Community Services) • National community housing standards • Residential Tenancies Act • FACS NSW Contractual and Compliance Framework • National Disability Insurance Scheme
Related Documents	<ul style="list-style-type: none"> • Procedure: 1.02 Affordable housing applications and allocations reviews • Momentum Rent setting procedures • Residential tenancies agreement (affordable housing) • Momentum Affordable housing tenancy application form • Momentum Income eligibility calculator • Affordable Housing Income Eligibility Calculator • Supported housing agreement (template) • 3.03 Centrelink CCES schemes

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