

Transitional Housing Policy

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1 Purpose and Applicability

This policy describes how Women's Housing Company (WHC) manages the Transitional Housing portfolio to ensure legal and contractual requirements are met and the program remains financially sustainable.

Some aspects of Transitional Housing management are identical to other housing types offered by WHC. Where this is the case, referrals are made in this document to other WHC policies. The Transitional Housing Policy sets out the details of tenancy and property management where policy differs from other housing types managed by WHC.

The policy applies to all Transitional Housing properties managed by WHC. The policy applies to all WHC staff and contractors, Support Provider partners, and Transitional Housing applicants and tenants.

The ***Charter of Rights and Responsibilities*** guides the interactions between WHC, applicants and tenants.

2 References

2.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- Housing Act 2001
- Community Housing Providers (Adoption of National Law) Act 2012
- NSW Residential Tenancies Act and Regulation 2010
- NSW Civil and Administrative Tribunal Act and Regulation 2013 and Rules 2014
- Housing Pathways Policies
- NSW Community Housing Access Policy
- NSW Community Housing Eligibility Policy
- NSW Community Housing Rent Policy
- NSW Community Housing Water Charging Guidelines
- NSW Community Housing Asset Management Policy

2.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are available on the WHC website:

- *Transitional Housing Nomination*
- *Rental Subsidy Application*
- *Centrelink Multiple Consent and Authority*

2.3 Definitions

Transitional Housing is time-limited subsidised rental housing offered to people on very low and low incomes who may be exiting crisis accommodation and / or would otherwise be homeless. This category of housing is provided in conjunction with case management support provided by a Specialist Homelessness Service (SHS) organisation.

Transitional Housing is designed to assist SHS clients to access safe, secure and affordable housing for a limited time, generally between three to eighteen months depending upon individual requirements, while working towards sustainable long term housing options. This may include (but not limited to) identifying and taking action towards securing suitable long term housing as well as addressing any issues that pose a barrier or developing the skills required for successful independent long term housing.

WHC has partnerships with a range of SHS organisations that are funded by the NSW Government to provide responses to homelessness. These responses include facilitating access to transitional housing and providing support to their clients throughout the transitional tenancy to ensure successful outcomes, including alternative long term sustainable housing.

A Joint Management Agreement (JMA) governs the partnership between WHC and each SHS organisation, setting out the roles and responsibilities of each party to the agreement, ensuring the tenant is at the centre of all decisions and actions.

The following terms are used in this document, with specific meaning:

- “transitional housing” is time-limited subsidised rental accommodation for people engaging with Specialist Homelessness Services (SHS) to work towards long term sustainable housing options
- “social housing” is subsidised rental accommodation for people earning very low or low income who meet the eligibility requirements under *Housing Pathways Policies*
- “may” is an acceptable action or requirement but not mandatory
- “must” or “shall” or “will” designates a mandatory requirement or action
- “residential tenancy agreement” or “rental lease” or “lease” is the written agreement between WHC and the tenant with all terms and conditions of the tenancy

3 Eligibility Requirements

WHC manages properties that are specifically available as Transitional Housing for clients of our SHS support partners.

SHS providers conduct an initial assessment to determine if a person meets the eligibility criteria of the specific SHS service package. The SHS provider may then nominate a person for Transitional Housing. Nominations are made using the ***Transitional Housing Nomination*** form.

To be nominated for Transitional Housing, SHS clients must satisfy the following:

3.1 General Criteria

- Be experiencing homelessness or be at risk of homelessness and must require immediate housing and support;
- Be actively engaging with the SHS provider, working towards an exit plan, including long term housing options and, as required, the development of independent living skills;
- Meet the eligibility criteria for social housing, under *Housing Pathways Policies*.

3.2 WHC Criteria

In line with the WHC purpose, Transitional Housing nominees must be women, with or without dependent children.

Nominated applicants must provide informed consent for WHC and the SHS provider to exchange their personal information relevant to the provision of Transitional Housing.

Ideally, nominated applicants should be priority approved and active on the NSW Housing Register, or have an alternative long term housing action plan developed. WHC can assist with assessing or updating applicants' details on Housing Pathways.

If a nominated applicant has a prior tenancy with WHC, Housing NSW or another community housing provider, and has accrued a debt or has an unsatisfactory tenancy history, the nominated applicant may be approved for Transitional Housing, upon WHC management discretion, in order to address these issues. Addressing debts is an essential requirement for long term housing through Housing Pathways.

4 Vacancy Management and Allocations

Transitional Housing vacancies are communicated to our SHS partners as soon as practicable.

Unlike long term social housing, Transitional Housing nominated applicants are not provided with an opportunity to view a vacant property and decide if they wish to accept or reject the offer.

Instead, it is expected that staff of the SHS provider are familiar with the location, configuration and condition of the properties that are offered for transitional housing under a specific SHS service package, as well as the individual circumstances and support needs of the nominated applicant and any existing transitional tenants in neighbouring units within a block. It is therefore expected that a nomination of a new client to occupy a vacant unit will take into account an appropriate assessment to ensure a good match of person to property to give every opportunity for successful tenancy sustainment.

When vacancies arise, WHC works with the relevant SHS provider to identify nominated applicants suitable for the vacant property, with the aim to minimise vacancy periods and ensure properties are appropriately utilised for people in housing need.

5 Tenure and Lease Agreements

5.1 Residential Tenancy Agreement

The standard Residential Tenancy Agreement governs the arrangement between the tenant and WHC. As WHC is a registered community housing provider, the provisions of the *NSW Residential Tenancies Act 2010* that specifically cover social housing tenancies apply to transitional housing leases.

Fixed term rental leases of three (3) months are offered, to enable regular reviews of tenant engagement with their SHS provider and progress towards their planned exit from Transitional Housing. Tenants who have met their tenancy obligations and who maintain eligibility, including continued engagement with their SHS provider, may have their lease extended for a further fixed term. The maximum continuous period allowable for Transitional Housing is 18 months.

A fully executed copy of the Residential Tenancy Agreement is provided to the tenant at the time of signing and a copy retained by the WHC.

5.2 Ongoing Eligibility

Ongoing eligibility is determined by the WHC in consultation with the SHS provider, and is dependent upon the tenant's individual circumstances and their engagement with support services, among other factors. The maximum continuous period allowable for Transitional Housing is 18 months.

Tenants agree to supply their income details to WHC under section 187 of the *NSW Residential Tenancies Act 2010*. To determine gross assessable income, tenants must provide income and assets evidence in accordance with the **Rent Policy**.

5.3 Transfers

Transitional Housing tenants are not able to apply for a transfer to another WHC Transitional Housing property.

In some circumstances, the WHC and the SHS provider may agree to move a tenant to an alternative property if such a move will assist the tenant to maintain a successful tenancy during the transitional period. In this situation, a new fixed term lease will be signed, based on the lease at the previous property.

5.4 Termination

Tenants may end their lease during or at the end of a fixed term by giving appropriate written notice in accordance with the *Residential Tenancies Act 2010*.

WHC may terminate a lease, in consultation with the SHS provider, if there is a breach of the lease terms, at the end of a fixed term period, if the tenant is no longer eligible for Transitional Housing, or for any other reason allowable under the *Residential Tenancies Act 2010*. Refer to the **Ending A Tenancy Policy**.

WHC may seek to terminate a tenancy at the NSW Civil and Administrative Tribunal (NCAT), where the rent account has fallen into arrears by more than 14 days, where agreed arrears repayment plans are not adhered to, or where the tenant has seriously or repeatedly breached other terms of the Residential Tenancy Agreement.

In cases where the tenant is no longer eligible for Transitional Housing, they will be asked to relocate with appropriate notice. The SHS provider may assist tenants to identify alternative housing if required.

The WHC may facilitate access to exit options from transitional tenancies through the usual application processes (i.e. Housing Pathways or direct application for Affordable Housing).

Where tenants have additional household members and the main tenant is vacating the property, other household members have no right of succession for the tenancy and must also vacate the property.

6 Rent and Other Charges

6.1 Rental Bond

Transitional Housing tenants must pay a rental bond equivalent to four (4) weeks of subsidised rent. For more detail on the management of Rental Bond, refer to the **Non-Rent Charges Policy**.

6.2 Market Rent

The maximum rent that can be charged for Transitional Housing is the Market Rent of the property. For more information on Market Rent, refer to the **Rent Policy**.

6.3 Subsidised Rent

Subsidised Rent is calculated, communicated and reviewed in the same manner as for Social Housing, in accordance with the **Rent Policy**.

6.4 Water Usage Charge

In the majority of properties managed by WHC, tenants are required to pay for water usage. Refer to the **Non-Rent Charges Policy**.

6.5 Tenant Damage and Vacating Charge

Throughout the tenancy and when a tenant vacates the premises, WHC conducts property inspections. Refer to the **During A Tenancy Policy**.

Tenants are required to report property damage, regardless of the cause, to WHC as soon as practicable. WHC will engage suitably qualified contractors to respond, assess and rectify property damage. Refer to the **Repairs and Maintenance Policy**.

Where property damage beyond fair wear and tear is deemed to be caused through the actions of the tenant, household members or visitors, the cost of repairs and maintenance to bring the property back to a suitable standard will be charged to the tenant. Refer to the **Non-Rent Charges Policy**.

6.6 Payment Options and Account Statements

A tenant's rent account must be maintained at two (2) weeks in advance. Non-rent charges must be paid as and when they fall due.

For payment options and details regarding accounts statements, refer to the **Rent Policy** and **Non-Rent Charges Policy**.

Where payments are not made in full and on time, arrears are accrued. Refer to the **Arrears Management Policy**.

7 Change in Circumstances

Transitional Housing tenants are responsible for notifying the WHC of any changes in circumstances that could affect their eligibility for Transitional Housing or a rental subsidy. Notification and evidence must be provided to the WHC within 21 days of the change in circumstances.

Changes can include (but are not limited to) a change or cancellation of statutory benefits, starting employment, loss of employment, change of employment status or conditions, extended absence from the property, or changes to the people in the household.

Failure to advise the WHC of a change in circumstances affecting eligibility for Transitional Housing or the rent calculation is considered a breach of the Residential Tenancy Agreement. The WHC reserves the right to take formal action, which may include application to the NSW Civil and Administrative Tribunal (NCAT) to terminate the tenancy.

7.1 Decrease of Income

Refer to the *Rent Policy*.

7.2 Increase of Income

Refer to the *Rent Policy*.

7.3 Employment Participation Incentive (EPI)

Refer to the *Rent Policy*.

7.4 Change of Household Members

Refer to the *During A Tenancy Policy* and the *Rent Policy*.

7.5 Extended Absence from the Property

In accordance with the *During A Tenancy Policy*, tenants must notify the WHC if they will be away from their property for more than four (4) weeks, regardless of the reason. Absences may be approved for periods of up to six (6) weeks, upon WHC management discretion.

Transitional Housing tenants must continue to pay rent and applicable non-rent charges while away from home, unless approved for nominal rent. Refer to the *Rent Policy*.

If a tenant fails to notify the WHC of an absence from the property of more than four (4) weeks, their rental subsidy may be cancelled and market rent will be charged. The WHC may also take formal action, including applying to the NSW Civil and Administrative Tribunal (NCAT) to terminate the tenancy.

8 Complaints and Appeals

Any person who has a complaint about how the Transitional Housing Policy has been administered, or tenants who wish to appeal a decision, should refer to the *Complaints and Appeals Policy*.