Rent Policy

1.0 Purpose and Applicability

This policy explains how the Women's Housing Company Limited (WHC) sets, reviews and collects rent for Social, Transitional and Affordable Housing tenancies. It aims to make rent decisions clear, fair and consistent, while meeting WHC's legal, funding and regulatory obligations.

This policy applies to all Social, Transitional and Affordable Housing properties managed by the WHC. This policy applies to all WHC staff, Social, Transitional and Affordable Housing applicants and tenants (unless specifically stated otherwise).

WHC applies this policy in line with the NSW Community Housing Rent Policy, any Community Housing Assistance Agreement, funding agreement, program guideline and relevant laws. If there is a conflict between this policy and a mandatory external requirement, the external requirement applies.

The Charter of Rights and Responsibilities guides how WHC works with applicants and tenants. For information about other tenant charges, please refer to WHC's Starting a Tenancy Policy and Keeping a Tenancy Policy.

Where allowed, WHC may charge eligible tenants for water usage in addition to rent. Water usage charges are applied in line with the Residential Tenancies Act 2010 (NSW), the Community Housing Water Charging Guidelines and any relevant program requirements. Water usage charges do not apply to crisis accommodation residents.

2.0 References

2.1. External or Statutory Requirements

This policy is guided by the following laws, policies and requirements:

- Housing Act 2001 (NSW)
- Community Housing Providers (Adoption of National Law) Act 2012
- Residential Tenancies Act 2010 (NSW) and Residential Tenancies Regulation 2019 (NSW)
- Civil and Administrative Tribunal Act 2013 (NSW) and Civil and Administrative Tribunal Rules 2014 (NSW)
- Housing Pathways Policies
- NSW Community Housing Access Policy
- NSW Community Housing Eligibility Policy
- NSW Community Housing Rent Policy, as updated from time to time
- DCJ Housing NSW Rent and Sales Report (published quarterly)
- ATO GST and non-commercial rules – benchmark market values (long-term accommodation)
- Centrelink eServices, Centrepay and Electronic Verification of Rent (EVoR) Terms and Conditions
- Social Security (Administration) Act 1999

2.2. Internal Requirements and Forms

This policy should be read with the following WHC documents and forms, which are available on the WHC website:

- Rental Subsidy Application
- Affordable Housing Policy
- Centrelink Multiple Consent and Authority

- Complaints and Appeals Policy
- Keeping A Tenancy Policy
- Absence from Property form
- Ending A Tenancy Policy
- Privacy Policy

2.1. Definitions

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

- "Social housing" is subsidised rental accommodation for people earning very low or low income
- who meet the eligibility requirements under Housing Pathways Policies
- "Transitional housing" is time-limited subsidised rental accommodation for people engaging with Specialist Homelessness Services (SHS) and working towards long-term housing options
- "Affordable housing" is subsidised rental accommodation for people in paid employment earning very low to moderate income, managed in line with the NSW Affordable Housing Ministerial Guidelines
- "Capital property" is a property that is owned by the NSW Government and managed by a Community Housing Provider (CHP) or is owned by a Community Housing Provider
- "Leasehold property" is a property that is leased by a CHP from the private rental market
- "ATO" is the acronym for the Australian Taxation Office
- "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 the WHC and the tenant with all terms and conditions of the tenancy

3.0 Rent

WHC will not charge rent above the applicable Market Rent. If a tenant is not eligible for a rental subsidy, or if WHC cannot assess the subsidy because required information has not been provided, WHC will charge Market Rent or Ceiling Rent where this applies to the property, program or funding arrangement.

WHC can approve rental subsidies in line with the NSW Community Housing Rent Policy. A rental subsidy is the difference between the rent a tenant pays and the Market Rent for the property.

Eligible tenants on very low, low or moderate incomes can apply for a rental subsidy. The subsidy amount depends on the type of tenancy, household income and household circumstances.

3.1. Market Rent

Market Rent is the weekly rent that would usually be charged for a similar property in the private rental market.

For Capital Properties, WHC sets Market Rent using the Rent and Sales Report published by the NSW Department of Communities and Justice. See section 6.1 for more information.

For Leasehold Properties, Market Rent is the rent WHC pays to the property owner or agent.

Market Rent is listed in the Residential Tenancy Agreement. It is payable only when the tenant is not eligible for a rental subsidy, or when the calculated subsidised rent is higher than Market Rent.

3.2. Ceiling Rent

Ceiling Rent applies where WHC must use a rent cap below Market Rent because of a property, program, funding or tax requirement.

Where the 74.9% ATO benchmark cap applies, WHC will calculate Ceiling Rent at no more than 74.9% of the relevant ATO benchmark rate. Ceiling Rent will never be higher than Market Rent.

3.3. Commonwealth Rent Assistance (CRA)

Commonwealth Rent Assistance (CRA) is a payment from the Commonwealth Government to help eligible people pay rent. People who receive certain Centrelink payments or more than the base rate of Family Tax Benefit Part A may be eligible.

CRA is paid directly to eligible tenants through Centrelink. Because CRA is intended to help with rent, WHC includes 100% of a tenant's CRA entitlement when calculating subsidised rent, in line with the NSW Community Housing Rent Policy.

WHC will take reasonable steps to help confirm that tenants receive the correct CRA entitlement. This may include Centrelink consent, EVoR, Centrepay processes and rental subsidy reviews. Tenants are responsible for telling Centrelink about rent and household changes.

3.4. Subsidised Rent

Subsidised Rent is calculated using a percentage of gross assessable household income, plus 100% of the household's maximum CRA entitlement. WHC applies the NSW Community Housing Rent Policy, relevant Homes NSW/DCJ income limits, assessable and non-assessable income rules, household composition rules and any approved program-specific requirements. Rent payable will not be higher than Market Rent or Ceiling Rent where Ceiling Rent applies.

To determine whether a tenant is eligible for a rental subsidy, WHC needs information about the tenant's income, assets and household.

Where required, WHC may also need income and asset information for the tenant's spouse or live-in partner, and for other household members aged 18 years and over.

Tenants can apply for a rental subsidy by completing the Rental Subsidy Application available on the WHC website.

For Social and Transitional Housing, WHC uses a 25%–30% rent assessment model that considers household income, household composition, NSW policy requirements and affordability:

Income or payment type	Amount included in rent calculation
Tenant, spouse or live-in partner, regardless of age, and household members aged 21 years and over	25%–30% of total weekly gross assessable income
Household members aged 18–20 years who are not the tenant, spouse or live-in partner	15% of total weekly gross assessable income
Family Tax Benefit Part A and B payments not taken through the taxation system, excluding FTB Energy Supplement	15% of weekly payment amount
Commonwealth Rent Assistance (CRA) entitlement	100% of the household's weekly CRA entitlement

Affordable Housing rent and subsidy arrangements are managed under WHC's Affordable Housing Policy and the NSW Affordable Housing Ministerial Guidelines, unless a funding or contractual requirement says otherwise.

WHC will tell tenants in writing what their subsidised rent is and provide a copy of the rent assessment.

4.0 Proof of Income and Assets

WHC assesses income and assets in line with the Housing Pathways Social Housing Eligibility and Allocations Policy Supplement and any relevant NSW Community Housing Rent Policy requirements. Tenants must provide income, asset and household information to assist WHC with determining subsidy eligibility and calculate rent.

Assessable income includes:

- Centrelink or other statutory payments
- Wages or casual earnings
- Self-employment
- Assessable supplement payments.

Assessable assets may include residential or commercial property.

Income and asset evidence must usually be no more than three months old when submitted to WHC. Centrelink income statements must be current and show any recent indexation changes. Tax returns must be no more than 13 months old.

Tenants may provide original, certified or electronic documents where WHC can reasonably confirm they are genuine. WHC will manage personal information in line with its Privacy Policy.

4.1. Statutory Payments

Tenants who receive Centrelink payments may give WHC authority to confirm their income through Centrelink. This can be done by completing the Centrelink Multiple Consent and Authority Form on the WHC website.

If a tenant does not give WHC authority to confirm their income, they must provide a current income statement from Centrelink or the Department of Veterans' Affairs.

For foreign pensions, tenants must provide a letter or statement from the relevant overseas government showing the amount received, unless this information is available through Centrelink.

For workers compensation payments, tenants must provide a letter or statement from the insurer or relevant authority showing the gross amount received.

4.2. Wages and Casual Earnings

Tenants who receive wages or casual earnings must provide evidence of their current gross income. If wages are reported to Centrelink and the tenant has given WHC consent, WHC may be able to confirm this through Centrelink.

- If the tenant works fixed hours, they must provide at least four weeks of pay slips.
- If the tenant works casual hours, variable hours or regular overtime, they must provide at least 12 weeks of pay slips.

If pay slips are not available, WHC may accept an employment contract or a signed letter from the employer on letterhead. The letter must show the tenant's employment status, gross weekly income, tax, deductions and pay details.

4.3. Self-employment

Self-employed income is usually assessed using income from the previous financial year.

Self-employed applicants and tenants must provide evidence of their income, which may include:

- a full lodged Australian Tax Return, including all pages showing income, expenses and interest earned; or

- a profit and loss statement from a registered chartered accountant; and
- the most recent three months of bank statements for all business and personal accounts, including savings, investment and share accounts.

Note: WHC cannot accept a Notice of Assessment by itself as evidence of self-employed income.

4.4. Assessable Supplement Payments

If a tenant receives investment income, child support, lump sum compensation or another assessable income payment, they must provide a letter or statement from the organisation that pays the income showing the gross amount received, unless WHC can confirm the information through Centrelink.

4.5. No Statutory Income

If a tenant or adult household member has no statutory income, WHC may assess the rental subsidy using the amount of government income support the person could reasonably be expected to receive where:

- the tenant or adult household member has chosen not to apply for a statutory income to which they are entitled; or
- the tenant or adult household member is not eligible to receive a statutory income; or
- the tenant or adult household member receives a reduced statutory income and has no other income.

4.6. Variable Income

Where income changes from week to week, WHC may average the tenant's income over three or six months when calculating subsidised rent. WHC may also complete quarterly rent reviews to support affordability and accuracy.

4.7. Property Assets

If a tenant or other household member has a share in a property that could reasonably be expected to resolve their housing need, they will generally not be eligible for a rental subsidy and Market Rent or Ceiling Rent, as applicable, will apply.

WHC may consider an exemption where the property is subject to a legal dispute, or where the tenant cannot live in or access the property for reasons beyond their control, including safety, family violence.

Where a tenant or other household member has a share in a property and income is generated by that property, the relevant share of that income will be treated as assessable income for rent subsidy purposes.

Where a tenant or other household member has a property interest of less than 50% and no income is derived, the value of that property share will be treated as an asset and assessed in accordance with the applicable income and assets rules.

All property interests, including overseas property, commercial property, residential property and vacant land, must be declared. WHC may request evidence of ownership, value, income, encumbrances, legal restrictions or barriers to occupation to determine subsidy eligibility and assessable income or assets.

5.0 Rent Payments and Statements

5.1. Rent Payments

Tenants must keep their rent account at least two weeks in advance, but not more than four weeks in advance.

WHC does not accept cash payments. Tenants can pay rent by:

- using the WHC tenant payment portal on the WHC website;
- Centrepay, which allows rent to be deducted from Centrelink payments and paid to WHC;
- direct deposit or online transfer from the tenant's bank account to WHC's bank account; or

- direct deposit over the counter at the Commonwealth Bank using a WHC deposit book.

Tenants can also give authority to the WHC to advise Centrelink of the rent amount payable by the tenant, to support the tenant to receive their correct CRA entitlement. This information is communicated in line with Centrelink Centrepay and Electronic Verification of Rent (EVoR) Terms and Conditions. Tenants can provide their authority using the Centrelink Multiple Consent and Authority Form available on the WHC website. It is a tenants responsibility to ensure rent payments are correct.
If rent is not paid in full and on time, the rent account will fall behind. WHC will contact the tenant and discuss options to help clear the debt.

5.2. Quarterly Rent Statements

WHC issues rent statements on a quarterly basis. Tenants may also request a rent statement at any time.

Tenants should check each statement and contact WHC if any anomalies are identified, the tenant must provide evidence of deposits made in order for WHC to review the matter and make adjustments if required

6.0 Rental Subsidy Review and Rent Changes

6.1. Market Rent Review

WHC reviews Market Rent for Capital Properties every 12 months. WHC uses the most recent quarterly Rent and Sales Report published by the NSW Department of Communities and Justice. The Market Rent is based on the median rent for a similar property type, size and location.

For Leasehold Properties, Market Rent is the rent WHC pays to the property owner or agent. This amount may change in line with the Residential Tenancies Act 2010 (NSW), the Residential Tenancies Regulation 2019 (NSW), the tenancy agreement and any program or funding requirements.

Changes in Market Rent will be communicated to tenants in writing and with the required notice under the Residential Tenancies Act 2010 (NSW) and the Residential Tenancies Regulation 2019 (NSW).

6.2. Rental Subsidy Review

WHC reviews rental subsidies for continuing Social and Transitional Housing tenancies every six months, in line with Centrelink indexation. WHC may also review rent if household circumstances change or if the NSW Community Housing Rent Policy requires it.

For Affordable Housing tenancies, rent and subsidy reviews are managed in line with the WHC Affordable Housing Policy, the NSW Affordable Housing Ministerial Guidelines.

For Transitional Housing tenancies, rental subsidy reviews are conducted in accordance with the NSW Community Housing Rent Policy, relevant Homes NSW/DCJ requirements and any program-specific requirements.

WHC may also complete a rental subsidy review when a tenant's circumstances change. See section 7.

To assess ongoing eligibility, WHC will ask the tenant to complete a Rental Subsidy Application and provide income and asset evidence for the tenant, and each other household member aged 18 years and over.

Tenants are notified in writing of any changes to their subsidised rent, including a copy of the rental assessment.

Where a tenant is not eligible for a rental subsidy, Market Rent or Ceiling Rent, as applicable to the property or program, will be applied.

Tenants who receive Centrelink payments may authorise WHC to update their Centrepay deduction so the correct rent is paid from the effective date. This can be done using the Centrelink Multiple Consent and Authority Form on the WHC website.

Tenants who do not authorise WHC to update Centrepay, or who pay by direct deposit or online transfer, must make sure the new rent amount is paid from the effective date.

6.3 Failure to Provide Details

If a tenant does not return a completed and signed Rental Subsidy Application by the due date, and/or does not provide all required income, asset or household information, WHC cannot confirm eligibility for a rental subsidy.

Market Rent will apply from the effective date of the scheduled rent review or from another date notified to the tenant, provided the required notice has been given.

Market Rent will continue to be charged until the tenant provides all required information, WHC completes the assessment, and the tenant is confirmed as eligible for a rental subsidy.

If the tenant is subsequently deemed eligible for a rental subsidy, the application of a rental subsidy will be reviewed based on the circumstances surrounding the reasons why the information was not returned by the original due date and may be back-dated to the date the changed rent was applied, at the discretion of management. This will be managed in accordance with the Complaints and Appeals Policy. Appeals relating to application of Market Rent can be made at any time up until the next rental subsidy review date.

7.0 Change in Circumstances

Tenants must notify WHC about any change that may affect their rental subsidy or rent amount. Tenants must notify WHC and provide evidence within 21 calendar days of the change.

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, absence from the property, or an additional household member.

Failure to advise WHC of a change in circumstances affecting 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 in Income

If a transitional and social housing tenant experiences a decrease in regular income, the WHC must be notified within 21 calendar days of the change. The WHC will recalculate the applicable rental subsidy and backdate the effective date for the decreased rent to the date of the change of income.

If the change is notified to the WHC outside the 21 calendar day period, the decreased rent will be applied from the date the WHC receives notification and all relevant evidence is provided.

7.2. Increase in Income

If a Social or Transitional Housing tenant's regular income increases, they must tell WHC and provide evidence within 21 calendar days. WHC will recalculate the rental subsidy and, where the information is provided on time, apply the higher rent after a two-week grace period.

If the tenant tells WHC after 21 calendar days, WHC may apply the higher rent from the first Monday after the income changed.

An exception applies for tenants who may be eligible for the Employment Participation Incentive (EPI).

7.3. Employment Participation Incentive (EPI)

WHC offers the Employment Participation Incentive (EPI) to eligible Social and Transitional Housing tenants who start work, return to work after a break of at least three months, or move from casual to permanent or part-time to full-time employment. The EPI helps tenants manage the costs of starting work, such as transport and work clothing.

For up to 26 weeks, WHC may delay the rent increase that would usually apply because of the tenant's increased income. To be eligible for EPI, tenants must:

a. have no rent arrears or non-rent debt;
b. tell WHC about starting work within 21 calendar days; and
c. generally, work at least 15 hours per week.

Eligible employment arrangements qualifying for the EPI are as follows:

d. starting paid employment for the first time;
e. starting paid employment after a break or at least three (3) months;
f. moving from casual to permanent or part-time to full-time paid employment.

The EPI does not apply to tenants in the following situations:

g. who have rent arrears or non-rent debt;
h. who tell WHC about starting work more than 21 calendar days after starting work;
i. who work less than 15 hours per week;
j. who are already paying Ceiling Rent or Market Rent because they are not eligible for a rental subsidy;
k. who change employers or jobs with similar hours or pay;
l. who receive a pay rise in their existing employment; or
m. who are Affordable Housing tenants.

Tenants can apply for EPI by completing a Rental Subsidy Application and providing the date their new employment started, their new gross income, and evidence such as a first pay slip or employer letter.

The application will be assessed and, if approved, written confirmation will be sent to the tenant confirming the rent payable, the approved EPI period and the review arrangements. At the end of the EPI period, WHC will conduct a rental subsidy review and apply the recalculated rent from the notified effective date.

If the tenant stops working during the EPI period, they must tell WHC as soon as possible so the correct rental subsidy can be applied.

7.4. Change of Household Members

Tenants must apply to WHC before allowing another person to live with them. More information is available in the Keeping A Tenancy Policy.

Visitors may be approved for short periods. This will not usually change the rent calculation. Additional household members may be approved. If approved, WHC will review the rent. Examples may include a live-in carer or a child living with the tenant as part of a family restoration arrangement.

Where there is more than one person living in a property, rent is calculated on the basis of total assessable household income, including the tenant, their spouse or live-in partner regardless of age, and all approved household members aged 18 years or more. The applicable age-based assessment rates will be applied in accordance with this policy.

If a tenant has unauthorised occupants living with them, or does not provide required income and asset evidence for approved household members, their rental subsidy may be cancelled and Market Rent or Ceiling Rent, as applicable, may be applied. WHC may also take formal tenancy action where appropriate.

7.5. Rent During Approved Absences

Tenants must tell WHC if they will be away from their property for more than four weeks. They must complete an Absence from Property form. Absences may be approved for up to three months, in line with the Keeping A Tenancy Policy.

Tenants must continue to pay rent while away from home, unless approved for nominal rent (see below).

If a tenant does not tell WHC they will be away for more than four weeks, their rental subsidy may be cancelled. WHC may also take formal action, including applying to the NSW Civil and Administrative Tribunal.

7.6. Nominal Rent

WHC may approve a temporary rent reduction, called nominal rent, where a tenant or adult household member needs to live somewhere else for a limited time and is required to pay accommodation costs, or where they have no income. If approved, the person's rent contribution may be reduced to $5 per week for the approved period, for up to 3 months. WHC will continue to include the income of any other adult household members who remain living in the property when calculating the total household rent. If the period of absence extends beyond three months, the WHC will consider on a case-by-case basis whether to continue the nominal rent charge.

Nominal rent may apply where the tenant or adult household member is temporarily staying in residential aged care, rehabilitation, respite care, and is required to pay accommodation costs or if the tenant is being held in a remand or correctional facility. If the tenant expects to be away for more than six months, WHC will request the tenant relinquishes the tenancy, unless exceptional circumstances apply. Other approved household members may be able to apply to continue the tenancy under WHC's Transition of Tenancy policy.

If a tenant is unable to contact WHC while they are in prison or another temporary accommodation setting, an advocate, support worker or authorised representative may contact WHC on the tenant's behalf, with the tenant's written consent where required.

For deceased tenants, a nominal rent will be applied to relieve any obligation for further standard rental payments until the property is vacated.

8.0 Rental Subsidy Non-Disclosure and Fraud

The WHC has the authority to grant a rental subsidy in accordance with the Housing Act 2001. Tenants must confirm their ongoing eligibility for a rental subsidy when WHC asks them to. WHC may request this information during routine reviews, after a change in circumstances, or if WHC needs to check whether the tenant is still entitled to a rental subsidy.

- **Rental subsidy non-disclosure** means a tenant does not tell WHC about a change to their household, income or assets that may affect their rental subsidy.
- **Rental subsidy fraud** means deliberately giving WHC false, incomplete or misleading information about household income, assets or household members. This includes (but is not limited to), not informing WHC of:
    - all household members or any change to the people living in the household;
    - all income received by household members, including the tenant;
    - any change to the income of any household member, including the tenant;
    - all financial interests of household members, including the tenant, such as shares, savings or an inheritance; and
    - all property ownership interests of household members, including the tenant.
    - If WHC receives information that a tenant may be receiving a subsidy they are not entitled to, WHC will review the matter fairly and give the tenant an opportunity to respond. WHC will decide whether:

- no further action is required;
- rental subsidy non-disclosure has occurred; or
- rental subsidy fraud has occurred.

If WHC finds that a tenant has received a rental subsidy they were not entitled to, WHC may adjust or cancel the subsidy, recover overpaid subsidy amounts, take tenancy action, or refer the matter to relevant authorities for further investigation where appropriate.

9.0 Complaints and Appeals

Tenants who have a complaint about how this policy has been applied, or who want to appeal a decision, should refer to WHC's Complaints and Appeals Policy.

9.1. Complaints

WHC will manage complaints in a fair, transparent and respectful way.

WHC will provide a written response to the complaint within 21 business days, unless more time is needed and the complainant is notified.

9.2. Appeals

If an applicant or tenant disagrees with a WHC decision, or believes the decision is unfair, they can lodge an internal appeal. Decisions that can be appealed include rental subsidy eligibility, rent assessment outcomes, subsidy cancellation, Market Rent or Ceiling Rent, backdating, hardship decisions, EPI decisions and nominal rent decisions. An appeal may be based on one or more of the following reasons:

a. WHC did not properly consider the person's individual circumstances;
b. WHC did not correctly interpret the policy;
c. WHC made a decision that was not consistent with the policy; or
d. the process used to make the decision was not fair or correct.

All appeals should be made to WHC in writing or by completing the online form via our website. WHC will review the decision and inform the applicant or tenant in writing about the outcome of the review within 21 business days.

If the applicant or tenant disagrees with WHC's appeal outcome, they may be able to lodge a second-tier appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by community housing providers and DCJ Housing NSW. For more information, call 1800 629 794 or visit www.hac.nsw.gov.au.

10.0 Privacy and Confidentiality Statement

WHC will keep applicant and tenant information confidential and manage it in line with WHC's Privacy Policy and relevant privacy law.

WHC may share de-identified demographic information for statistical or reporting purposes.