

# Social Housing Eligibility Criteria

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## 1. Introduction

The intent of social housing is to provide affordable rental housing for vulnerable Queenslanders, particularly those who have difficulties accessing and sustaining accommodation in the private market.

The Social Housing Eligibility Criteria are intended to ensure social housing is provided to those in greatest need. The criteria include:

- **intake eligibility criteria** – to determine if an applicant is eligible to receive a social housing service, and
- **ongoing eligibility criteria** – to determine whether or not a household has a continued need for a social housing service.

Appendix One provides definitions of certain words referred to in this document.

## 2. Scope

Providers funded under the *Housing Act 2003* to deliver a social housing service must implement the Social Housing Eligibility Criteria. This is a requirement of the *Housing Regulation 2003*.

## 3. Intake eligibility criteria

The intake eligibility criteria are used when a person initially applies for social housing. An applicant must continue to meet these criteria while they are listed on the Housing Register.

Before offering social housing, the provider must ensure an applicant meets the following intake eligibility criteria:

1. Australian citizenship or residency
2. Queensland residency
3. Property ownership
4. Liquid assets
5. Independent income
6. Household income limits
7. Appropriateness of current housing.

### 3.1. Australian citizenship or residency

An applicant must:

- be an Australian citizen or
- have been granted permanent residency status or
- have been granted a Permanent Protection Visa or a Resolution of Status Visa or
- qualify for permanent residency status through agreements between Australia and another country or
- hold a Temporary Protection Visa or
- hold a Bridging Visa if they previously held a Temporary Protection Visa.

Where an applicant has applied for permanent residency, a Permanent Protection Visa or a Resolution of Status Visa, but is not yet a permanent resident, they may apply for housing assistance. If the applicant satisfies all other intake eligibility criteria, his or her application will be placed on the Housing Register. However, the applicant will not be offered social housing until he or she becomes a permanent resident.

Only applicants who sign the tenancy agreement are required to satisfy the Australian citizenship criterion. Other household members who do not satisfy the Australian citizenship criterion can live in the home but cannot enter into the tenancy agreement.

### 3.2. Queensland residency

An applicant who will become the legal tenant must be a Queensland resident. In circumstances where an interstate applicant provides evidence of a genuine need to move permanently to Queensland, the Queensland residency requirement may be waived.

A waiver may be approved, for example (but is not limited to) where a person needs to move to Queensland to provide support for a family member, or a person is relocated or transferred to Queensland by their employer. It is within the provider's discretion to determine when other circumstances may constitute a genuine need to move permanently to Queensland.

Other household members listed on the application who will not sign the tenancy agreement do not have to satisfy the Queensland residency criterion.

### 3.3. Property ownership

An applicant and any intended household member cannot own, or partly own, property within Australia or overseas, including:

- a residential home including a house, flat, unit or townhouse
- vacant land including residential or rural property
- a manufactured or transportable home
- improved or unimproved commercial or industrial property.

The intent of this criterion is to identify people who may have alternative options available to house themselves and therefore may not be in need of government-subsidised housing assistance.

It is within the provider's discretion to determine where exceptions may apply to this criterion, for example, in circumstances such as domestic violence, marriage breakdown, extreme hardship, or if the property is in a declared war zone or natural disaster area (outside Australia). The provider must refer such instances to the department for the department (or other organisation managing the Housing Register) to assess the household's circumstances.

### 3.4. Liquid assets

The household's combined liquid assets must be within the current limit for household size (shown below). The liquid assets test is defined as all liquid assets held in Australia or overseas including but not limited to:

- money in the bank
- shares, fixed investments, managed funds

- trusts including property trusts, family trusts, perpetual trusts, limited life trusts for under a specific age limit
- superannuation payouts (if the preservation age has been reached)
- the value of caravans, mobile homes, dongas and live-aboard boats
- net proceeds from the sale of a property.

Different liquid assets limits apply for single households and households with two or more people. The limits as at 1 January 2014 are:

- single-person household: **\$84,812.50**
- two or more household members: **\$105,375.**

Household members who are the sole beneficiary of a Special Disability Trust (SDT) have an exemption of **\$609,500** for liquid assets held in a SDT. Any liquid assets over this amount are tested against the liquid assets test outlined above.

If a SDT includes a property that the applicant can reside in, the applicant is deemed **ineligible** for housing assistance.

### 3.5. Independent income

At least one applicant who will become a tenant must have an independent income which is earned in Queensland.

An independent income is income which meets the following requirements:

- a minimum income amount of **\$203.22 gross per week.**
- the applicant must have earned this minimum income for at least four continuous weeks immediately before applying for housing assistance and
- the income must be assessable, as specified in the Community Housing Rent Policy available at [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au).

Some incomes listed under the Community Housing Rent Policy are not assessable for the Independent Income criterion. They are:

- Family Tax Benefit Part A and/or maintenance income support payments (if it is the applicant's sole income)
- deemed income from an investment
- rent from property
- self employed households with an income less than the minimum eligibility amount.

If an applicant holds a Temporary Protection Visa or resides in a correctional facility, and does not have an independent income, they may apply for housing assistance and, if they satisfy all other intake eligibility criteria, they may be placed on the Housing Register. An applicant will not be offered housing until they have satisfied the independent income criterion.

If the applicant cannot demonstrate an independent income because they are a young person living in the care of the State, the applicant may list for and be offered housing from the age of 17 years provided a Joint Action Plan with Child Safety Services has been completed and all other eligibility criteria are met.

### 3.6. Household income

Applicants must provide evidence of the gross weekly assessable household income as defined in the Community Housing Rent Policy. The gross weekly assessable household income is the combined assessable income of all members of the household.

If a household member other than the applicant has no income, a very low income or an income that cannot be verified, the imputed income will be treated as their assessable income. For intake eligibility, the household's combined gross weekly assessable income must be less than:

<b>The gross weekly assessable household income (social housing)</b>	
<b>Income</b>	<b>Household type</b>
<b>\$609</b>	Single person, no children.
<b>\$755</b>	Single person, one child or Couple with no children or Two single people.
<b>\$877</b>	Single person, two children or Couple with one child or Two single people and one child or Three single people.
<b>\$999</b>	Single person, three or more children or Couple with two children or Three single people and one child or Two single people with two children or Four single people.
<b>\$1,121</b>	Couple with three or more children or Five single people or One couple with two children and one single person or Two couples with one or more children or One couple, one single person and two or more children or Other households with five or more people including two adults.

Applicants for the Supportive Housing Program (Common Ground) and housing in Resource Communities need to comply with the incomes limits for the National Rental Affordability Scheme (NRAS).

For intake eligibility, the household's combined gross weekly assessable income under the above programs must be less than the following amounts:

<b>The gross weekly assessable household income (NRAS) (for Supportive Housing Program and Resource Communities <u>only</u>)</b>		
<b>Income per annum</b>	<b>Household type</b>	<b>Program</b>
<b>\$45,956</b>	One adult	Common Ground and Resource Communities
<b>\$63,535</b>	Two adults	Common Ground and Resource Communities
<b>\$81,114</b>	Three adults	Resource Communities
<b>\$63,579</b>	Sole parent with 1 child	Resource Communities
<b>\$78,822</b>	Sole parent with 2 children	Resource Communities
<b>\$94,065</b>	Sole parent with 3 children	Resource Communities
<b>\$78,778</b>	Couple with 1 child	Resource Communities
<b>\$94,021</b>	Couple with 2 children	Resource Communities
<b>\$109,264</b>	Couple with 3 children	Resource Communities

The following table sets income eligibility limits for household types that are not identified in the table above.

<b>Use the following formula to calculate the income eligibility</b>	
<b>Income p.a.</b>	<b>Household type</b>
<b>\$45,956</b>	First single adult
<b>\$17,579</b>	Each additional adult
<b>\$15,243</b>	Each child
<b>\$48,336</b>	First sole parent

### **3.7. Appropriateness of current housing**

At least one applicant or a household member listed on the application must meet at least one of the following criteria to demonstrate that their current housing does not meet their housing needs:

- Homeless or at risk of homelessness
- Needs to live in a particular location in order to:
  - access essential services

- gain employment
- comply with parole conditions where a prisoner is exiting a correctional facility
- meet cultural obligations
- gain access to children
- receive family/informal support.
- The design and/or size of current housing does not meet the household's needs or there are health and safety risks with the current housing
- Paying an unaffordable amount of household income in rent – that is, over 29% of gross household income. The department follows the following benchmarks in assessing level of housing need:
  - 0% - 29% - no affordability issues
  - 30% - 39% - moderate affordability issues
  - 40% - 49% - substantial affordability issues
  - 50% - extreme affordability issues.
- Needs to establish a new household and:
  - has a physical or psychiatric disability or mental illness and their eligibility for specialist disability services or specialist services provided by Queensland Health has been confirmed, and/or for whom succession planning is proceeding and who is living at home with their parents, other immediate family member or friend who is their carer but needs to establish an independent household (with or without a carer)
  - is a young person exiting the care of the State for whom transition planning is proceeding and who needs to establish an independent household.

### 3.7.1 Exceptions – known future events

The department (or other organisation managing the Housing Register) can assess households against the Appropriateness of Current Housing intake eligibility criterion based on a known future change in their circumstances if:

- the change in circumstances is known to be occurring within 12 months from the date of application,
- the case relates to an inter-agency agreement, disability involving a specific housing solution, child protection issue, a health issue or a change in bedroom entitlement, and
- the applicant provides evidence (deemed satisfactory by the provider in its sole discretion) that the change will occur.

The following events taking place more than 12 months into the future can be taken into account:

- a child/ren returning to the care of the State but reunification with the family/parent is planned to occur within 24 months from their application date, or
- an offender has been sentenced to three years or less and supplies evidence of a definite release date (court ordered parole) up to 36 months from the application date.

### 3.7.2 Supportive Housing Program (Common Ground) Applicants

Applicants being housed under the Supportive Housing Program (Common Ground) in the low to moderate income target group are not required to meet the Appropriateness of Current Housing intake eligibility criterion.

## 3.8. Reviewing intake eligibility

Applicants must have their intake eligibility reviewed on a regular basis while listed on the Housing Register, and before an offer of housing is made.

When an applicant is found to be ineligible for social housing, their application should be cancelled on the Housing Register and no offer of housing will be made.

An applicant or household found ineligible for social housing may be able to demonstrate exceptional circumstances that warrant further consideration. Such cases should be immediately referred to the department for consideration.

## 4. Ongoing eligibility criteria

The provider must assess a household's continuing need for social housing on an annual basis, using the ongoing eligibility criteria. The ongoing eligibility criteria are:

1. household income
2. property ownership.

Social housing is for eligible persons for the duration of their need. The provider must assist ineligible households to exit social housing into the private rental market or other suitable longer-term accommodation.

Households that may meet the eligibility criteria for social housing but have the capacity to access and sustain private housing should be encouraged into the private market, ensuring social housing is available for those most in need.

The provider may take into consideration any mitigating circumstances and exercise discretion accordingly in relation to all ongoing eligibility criteria.

### 4.1. Household income

Households must provide evidence of their gross weekly assessable household income as defined in the Community Housing Rent Policy. The gross weekly assessable income is based on the combined income of the tenant/s and spouse.

For an ongoing eligibility assessment, the combined gross assessable income of the tenant/s and spouse must not exceed **\$80,000** per annum.

This ongoing eligibility gross household income limit applies to tenancies managed by all providers.

### 4.2. Property ownership

A household member cannot own or partly own property within Australia or overseas including:

- a residential home including a house, flat, unit or townhouse
- vacant land including residential or rural property or
- a manufactured or transportable home
- improved or unimproved commercial or industrial property.

It is within the provider's discretion to determine where exceptions may apply. For example, in circumstances such as domestic violence, marriage breakdown, extreme hardship, or if the vacant land is in a declared war zone or natural disaster area (outside Australia).

The provider must have a documented policy in place outlining due process for consideration of exceptions, and the appropriate delegations to enable an assessment of a tenant's circumstances to be undertaken.

In making decisions about ongoing eligibility, the provider must give consideration to identifying people with alternative housing options available, who may therefore not need subsidised housing.

## 5. Match to property

Social housing should meet the ongoing and changing needs of a household, taking into consideration such factors as the number of bedrooms and the type and location of housing required.

The provider must review a household's circumstances annually to ensure that the property matches the household's needs and achieves best use of the provider's portfolio, including management of under-occupancy. If the review shows that the property does not match the household's needs or achieve best use of the provider's portfolio, the provider may consider utilising a transfer. The provider should comply with the transfers requirements under the *Allocations policy for funded social housing providers* to manage tenancy and property portfolio issues in relation to matching to properties.

The provider in its sole discretion may take into consideration any mitigating circumstances in matching clients to properties that best match their assessed needs.

## 6. Antisocial Behaviour

A tenant who has demonstrated frequent and persistent antisocial behaviour is ineligible to receive social housing on an ongoing basis. The tenant is responsible for the behaviour of occupants, guests of the tenant or persons allowed on the property by the tenant.

Specifically, when there has been one or more substantiated instances of dangerous or severe antisocial behaviour or three or more substantiated instances of serious or minor general or nuisance antisocial behaviour within a twelve-month period, the provider may issue a **Notice to Leave** (as the tenant is no longer eligible for housing assistance).

The provider must apply due diligence in the process of managing the behaviour before considering issuing a **Notice to Leave** on the basis of antisocial behaviour.

## 7. Policy links

In implementing the Social Housing Eligibility Criteria, the provider must ensure that they are complying with all aspects of their Funding Agreements. The provider should consider the links with the following policies:

- *Allocations Policy for Funded Social Housing Providers*
- *Community Housing Rent Policy.*

## Appendix One: Definitions

The following definitions apply to the Social Housing Eligibility Criteria:

- 1) “**Act**” means the *Housing Act 2003*.
- 2) “**applicant**” means any person seeking a housing service from the Provider.
- 3) “**assessable income**” means all general income, including pensions, benefits and allowances, wages and work allowances, and other income sources. Non-assessable income is generally specific purpose payments. See the Community Housing Rent Policy for more detail.
- 4) “**antisocial behaviour**” is activity that may disturb the peace, comfort or privacy of other tenants or residents. The behaviour may be harassment, criminal, illegal or include other inappropriate behaviour. It includes actions that damage social housing property or place the property or people at risk of harm. ‘Serious’ antisocial behaviour intentionally or recklessly causes disturbance to neighbours or could reasonably be expected to cause concern for the safety or security of a tenant, household member or neighbour or their property, or which causes damage to the social housing property. ‘Dangerous or severe’ anti-social behaviour includes activities that risk the safety or security of residents or property; or result in injury to neighbouring residents, where subsequent police charges or conviction have occurred, or where the social housing property has been intentionally damaged to a large extent.
- 5) “**bedroom entitlement**” means the number of bedrooms in the property as matched to the household’s needs and number of people in the household. For example, two people living together as a couple are entitled to a property with one bedroom.
- 6) “**Funding Agreement**” has the meaning given in the Act.
- 7) “**Homeless or at risk of homelessness**” – For the purpose of assessing eligibility under section 3.7 of the Social Housing Eligibility Criteria, this means at least one household member listed on the application for housing assistance falls into one of the following categories:  
Category A - is living on the streets; existing housing is makeshift or illegal; is fleeing domestic violence; is at risk of violence/abuse from another person; loss of accommodation due to a residential service or caravan park closure; their existing housing is temporary and supported accommodation such as a refuge, shelter or crisis accommodation.  
Category B – dispersed homelessness, meaning people who are staying with family and friends as they have no housing of their own (excludes parents and children who wish to establish an extended family household and children in the care of the State).  
Category C – is living in transitional housing under a transitional housing program such as the Community Rent Scheme, Same House Different Landlord, Community-managed Studio Units and other specifically targeted transitional programs or initiatives.
- 8) “**household**” means everyone listed on the application for housing assistance or everyone living in the rental unit identified in the tenancy agreement, regardless of age or relationship.
- 9) “**Housing Register**” means the department’s waitlist of Eligible Applicants for housing services.
- 10) “**housing service**” has the meaning given in the Act.
- 11) “**Provider**” means the party to the Funding Agreement other than the department.
- 12) “**Regulation**” means the *Housing Regulation 2003*.
- 13) “**social housing service**” has the meaning given in the Act.
- 14) “**spouse**” means spouse of tenant or resident: husband, wife and opposite sex or same-sex de facto spouse.

- 15) “**tenant**” means a tenant under a lease given by the provider over residential premises that are a funded property.
- 16) “**under-occupancy**” means a household that has more bedrooms in the property than it is entitled to, considering the number of people dwelling in the property and the household composition.