

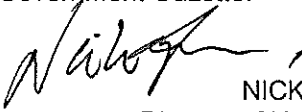
Housing Act 1983

Victorian Housing Register – Determinations of eligibility criteria, priority categories and priority criteria for applicants for social housing

I, Nick Foa, Director of Housing, revoke the determinations published in the Government Gazette on 18 May 2018 and make the following determinations pursuant to section 142E(1) of the **Housing Act 1983** for the purposes of allocating tenancies in social housing to applicants on the Victorian Housing Register.

These determinations take effect on the date they are published in the Government Gazette.

Dated 19 October 2018


NICK FOA
Director of Housing

DIRECTOR OF HOUSING DETERMINATIONS

1. PURPOSE OF THE VICTORIAN HOUSING REGISTER

The Victorian Housing Register (the Register) was established in 2016 and is intended to ensure the equitable allocation of the available supply of social housing.

It aims to provide a single, consistent application process for people seeking to access public housing and community housing by being a streamlined, transparent and fair way for disadvantaged people across the state to apply.

2. PURPOSE

The purpose of these determinations is for the Director of Housing to determine the:

- a) eligibility criteria that must be met by an applicant to be eligible for a tenancy in social housing;
- b) priority categories for identifying the relative needs of eligible applicants for social housing; and
- c) criteria that must be met by an eligible applicant for a particular priority category to apply to that eligible applicant

for the purposes of allocating tenancies in social housing to applicants on the Register.

3. ELIGIBILITY CRITERIA

There are five criteria an applicant must meet to be eligible for an allocation of a tenancy in social housing from the Register:

- proof of identity
- Australian citizen or Permanent resident
- Victorian resident
- income eligibility
- asset eligibility

Social housing providers may, consistent with their mission, apply additional criteria when allocating housing to applicants from the Register; these are required to be detailed in their allocations policies.

4. PROOF OF IDENTITY

People applying for social housing must prove the identity of each person on their application.

Proof of identity is required for household members over 15 years of age and who are receiving an independent income. Children under 15 will need their identity confirmed but do not need to be in receipt of an independent income.

The documentation and process required to confirm identity is set out in the Victorian Housing Register Operational Guidelines.

5. AUSTRALIAN CITIZEN OR PERMANENT RESIDENT

Applicants and household members applying for social housing must be Australian citizens, Australian permanent residents or a special category visa holder (SCV) who is a protected SCV holder.

Considerations

Partners and dependent children who are temporary residents awaiting permanent resident status may be included in the household of an eligible person who is an Australian citizen or permanent resident.

Sponsored migrants are not eligible to apply for social housing while under sponsorship or assurance of support arrangements even though they may be permanent residents. However, they may be included in the household of an eligible person.

Applications from sponsored migrants can be approved if the sponsorship arrangement has expired or broken down and the applicant is in receipt of an independent income.

Newly arrived migrants with a permanent resident status who are subject to the Centrelink two year waiting period for Centrelink entitlements are not eligible to apply to the register however may be included in the household of an eligible client who is an Australian citizen or permanent resident.

6. VICTORIAN RESIDENT

People applying to the register are generally required to be a resident of Victoria.

An application from people living in other states can be accepted where applicants:

- reside outside Victoria in a border area or town such as Albury and Moama in New South Wales, or Bordertown in South Australia
- have an offer of employment in Victorian
- are former Victorian residents (normally within the last ten years)
- need to return to Victoria to be reunited with their family
- have medical reasons for moving to Victoria
- are escaping family violence, serious harassment or threats of violence.

7. INCOME ELIGIBILITY

Primary applicants must have an independent income to be eligible for social housing. An independent income is an income paid directly to the person for their use and is not subject to a Centrelink parental income or assets test.

A household income should be within the income eligibility limits specified in these determinations. Income limits are based on household type and there are different limits for Priority Access applications and for Register of Interest and Transfer applications.

To determine total household income, assessable incomes are added together.

If a household exceeds the income limit for the category they are applying for, they are not considered eligible for that category.

The Priority Access income limit is based on income eligibility limits for a Commonwealth Low Income Health Care Card.

The Register of Interest and Transfer income limit is based on income eligibility limits for Commonwealth Rent Assistance and is set out as follows:

Income limits for Register of Interest and Transfer applicants

Household	Weekly income (Effective 1 April 2018)
Single person	\$992
Couple, no dependants	\$1,518
Family (one or two parents) with one or two dependent children	\$2,047
Each additional dependent child	\$332

Every six months, on the 1st of April and 1st of October, the income limits above will be increased by 1.1 per cent to reflect increases in the general cost of living.

Income limits for new Priority Access applicants

Household	Weekly income (Effective 1 April 2018)
Single person	\$555
Couple, no dependants	\$959
Family (one or two parents) with one dependent child	\$995
Each additional dependent child	\$35

Every six months, on 1 April and 1 October, the income limits above will be increased by 1.1 per cent to reflect increases in the general cost of living.

Considerations

Eligibility for group households or extended families is determined by the income of each family unit within the household.

If Centrelink income is the only income received by each household member, the household is considered eligible even though their total income amount may be over the household income limit.

If an applicant or household member is not receiving a Centrelink benefit or pension they are entitled to, the amount to which they are entitled is counted in the assessment when calculating income eligibility, unless the applicant can provide documentation confirming that they are not entitled to the income.

Where an applicant's Centrelink income is temporarily reduced due to an activity test or administrative breach, their income eligibility assessment is still made on the applicant's full Centrelink entitlement.

Where a non-custodial parent has regular access visits from their children, the income limit used for determining eligibility is based on the household including those children. Typically at a minimum every second weekend and half school holidays or more constitutes regular access.

Where an applicant subject to the Centrelink two year waiting period is receiving income from wages, self-employment or child related payments, they are not considered to have an independent income for social housing eligibility purposes.

Where a partnered couple apply for social housing but one partner is ineligible because they hold a temporary spouse visa or they are permanent residents but subject to the Centrelink two year waiting period, the relevant couple income limit is applied when determining income eligibility.

Applicants or household members that include people who are in prison are not required to provide income documentation for that person until they are released from prison. Income eligibility can be assessed once the applicant is released from prison.

If a top-up Veterans Affairs payment in addition to a Centrelink payment makes an application ineligible, the designated service provider may use discretion to still approve the application.

Dependents aged 18 to 24 years are exempt from income eligibility requirements if they are included on a transfer application and they have lived in the social housing property for a minimum of six months prior to the transfer application being submitted.

Assessable and non-assessable incomes

Assessable income is any income that is not deemed non-assessable income. A list of the incomes considered under each of these income types is found in the Victorian Housing Register Operational Guidelines.

No income

In limited circumstances, where a primary applicant lodges their application which lists independent household members who are not in receipt of an income, this can be approved and placed on the Register, provided they meet all other eligibility criteria. However, applicants are required to provide documentation from Centrelink stating either:

- why the household members are not entitled to or in receipt of an income (for example they have temporary residency status or are on a two year waiting period, or they have received a compensation payout or an employment termination payout); or
- they are entitled to an income but are not claiming it.

Applicants who do not receive any income may be referred to a support organisation, to assist them with their housing application and any other needs.

8. ASSET ELIGIBILITY

The value of the assets for an applicant's entire household is calculated to determine if they are eligible for social housing. If households have assets that would mean they can afford other forms of long term housing, they are not eligible for social housing.

The value of the assets of a household should be within the specified asset eligibility limits set out below. Asset limits are different for Priority Access, Register of Interest and for people requiring disability modifications.

If a household exceeds the asset limit for the category they are applying for, they are not considered eligible for that category.

Considerations

NDIS amounts are not considered assessable income or assets. Lump sum payments or funds kept to pay for future disability expenses are also exempt from the asset eligibility assessment.

Compensation payments, including lump sum payments, arising from the Royal Commission into Institutional Responses to Child Sexual Abuse are not considered assessable assets.

Applicants or household members that include people who are in prison are not required to provide asset documentation until they are released from prison. Asset eligibility can be assessed once the applicant is released from prison.

Asset limits

Register application type	Asset limit (Effective 1 April 2018)
Priority Access	\$12,758
Register of Interest and Transfers	\$32,276
Disability modifications	\$107,588

On 1 April every year asset limits above will be increased by 2.4 per cent to reflect increases in the cost of private rental.

Assets included in assessing eligibility

The dollar value of each household member's share in any of the following assets are added together to determine eligibility for social housing:

- Baby Bonus (formerly known as maternity payment)
- cash holdings and other investments, such as shares and realisable superannuation funds
- Family Tax Benefit Lump Sum Supplement – annual lump sum increase to the rate of Family Tax Benefit Part A and Family Tax Benefit Part B paid to families following reconciliation of entitlement at end of financial year
- mobile homes and recreational vehicles such as caravans and boats
- net fixed assets of a business
- interest in commercial or residential real property (including land)
- Older Australian's Bonus
- Pension Bonus scheme
- funds managed by a court appointed administrator (that are available to pay for housing costs)
- loss of wages component of victims of crime lump sum compensation payment.

Ownership of property

An applicant or household member who owns or has an interest in commercial or residential real property (including land) within Australia or overseas is ineligible for social housing unless they cannot make 'effective use' of the property, including because:

- they are unable to reside in the property or continue to reside in the property;
- they are unable to generate any rental income from the property; or
- it is 'unrealisable', that is, they are unable to sell their equity in the real estate.

Examples of circumstances where the property cannot be put to 'effective use' include:

- family violence - documentation confirming this is required from a support worker who is providing support to person(s) experiencing family violence;
- the person cannot or should not occupy the property for medical or health and safety reasons and they are experiencing difficulty selling the property. For example, the property is unsuitable for a person with mobility difficulties; or
- the property is part of a contested property settlement and the household member cannot occupy it or sell their equity.

Where an applicant or household member is unable to make 'effective use' of the property and is unable to realise their equity, the property is exempted from assessment as an asset. However, if the applicant receives their interest or share in the real estate prior to being offered social housing and their assets are over the asset eligibility limits, the applicant is not eligible to be allocated a tenancy from the Register.

9. DISCRETION

The Director of Housing or participating registered agencies may use discretion to approve applicants to the register or allocate housing to persons who do not fully meet the eligibility criteria.

Circumstances where this may be appropriate include:

- a) Where the applicant is a current social housing tenant and needs to be urgently relocated as their current property is unsuitable or unsafe, or is to be sold, upgraded, redeveloped, or could be better utilised.
- b) Where the applicant is a current social housing tenant who has been temporarily relocated for one of the purposes listed in paragraph (a) and is now returning to a social housing property.
- c) Where one of the social housing providers roles or objectives includes the allocation of housing to specific groups of people, and those people may not meet one or all of the eligibility criteria. For example, this may include:
 - i. where a participating registered agency has a particular role in providing housing to a person whose income exceeds the asset or income limits (such as providing affordable housing to key workers);
 - ii. where a participating registered agency provides housing to people who are not permanent residents, such as those on a temporary protection visa (TPV) or Safe Haven Enterprise visa (SHEV); or
 - iii. where a participating registered agency has a particular role in providing long term housing to people who do not necessarily meet the independent income requirement.
- d) Where a person and or a member of their household is experiencing family violence and need access to ongoing housing in order to be safe.
- e) In any other circumstances as set out in the Victorian Housing Register Operational Guidelines.
- f) Where other exceptional circumstances apply.

10. PRIORITY CATEGORIES

Sections of the Register

Applicants for social housing who meet the eligibility criteria are placed on the Register according to their housing need. The Register consists of two application types:

- Priority Access – for people most in need of housing; and
- Register of Interest – for people who do not have an urgent housing need but are seeking to live in social housing.

Priority categories for identifying the relative housing needs of applicants

People who are in urgent housing need are prioritised for social housing. In broad terms, this might mean:

- the applicant is homeless
- the applicant is experiencing or has experienced family violence in their home
- the applicant needs to move for health reasons
- the applicant's home is not appropriate for the size of the household
- the applicant is living in emergency, crisis or transitional housing
- the applicant's social housing property is to be sold or redeveloped
- the applicant is staying with someone temporarily while they look for a home or;
- the applicant is aged 55 years and over and is unable to sustain any other housing options on the basis of affordability.

The table below outlines the categories of the Register in order of priority and includes:

- priority categories for the purposes of identifying the relative needs of eligible applicants for social housing, and
- the priority criteria that must be met by an eligible applicant for a particular priority category to apply to that eligible applicant (with further detail provided in the sections below the table).

	Category	New or Transfer applicants	Income limit / Asset limit
Priority Access	Emergency Management Housing – for people whose housing is no longer safe or habitable, due to an emergency, for example, a bushfire, flood or storm.	New and Transfer	Register of Interest <i>For asset limit: Register of Interest unless a household member requires full or major modifications then the asset limit is the disability modification asset limit</i>
	Priority Transfers – for people who are social housing tenants and require urgent relocation to another social housing property as their current property is unsafe; is to be sold; redeveloped or better utilised.	Transfer	Register of Interest <i>For asset limit: Register of Interest unless a household member requires full or major modifications then the asset limit is the disability modification asset limit</i>

	Category	New or Transfer applicants	Income limit / Asset limit
	Homeless with Support – for people who are homeless or experiencing family violence and need support to obtain and establish appropriate, long term housing.	New	Priority Access <i>A policy consideration can be applied to exempt households with significant personal support needs from the Priority Access limit, and instead assess them against the Register of Interest asset limit</i>
	Supported Housing – for people who live in unsuitable housing and have a disability or long-term health problem requiring major structural modifications and/or personal support to live independently.	New	Priority Access (new) <i>For asset limit: Priority Access unless a household member requires full or major modifications then the asset limit is the disability modification asset limit</i> <i>OR</i> <i>A policy consideration can be applied to exempt households with significant personal support needs from the Priority Access limit, and instead assess them against the Register of Interest asset limit</i>
	Special Housing Needs – for people who are living in housing that has become unsuitable and who have no alternative housing options.	New and Transfer	Priority Access (new) Register of Interest
	Special Housing Needs aged 55 years and over – for people who are eligible for social housing who are aged 55 years and over, and are not eligible for another priority category.	New	Priority Access
Register of Interest	Register of Interest – no additional criteria apply.	New and Transfer	Register of Interest <i>For asset limit: Register of Interest unless a household member requires full or major modifications then the asset limit is the disability modification asset limit</i>

11. ELIGIBILITY CRITERIA FOR PRIORITY CATEGORIES

To be eligible for one of the priority access categories the applicant must meet the general eligibility criteria for the Register outlined in Section 3 above and also be able to demonstrate eligibility for one or more priority categories.

a. Emergency Management Housing

The Emergency Management Housing category is for people whose housing is no longer safe or habitable, due to an emergency, for example a bushfire, flood or storm.

To confirm eligibility, an applicant's support organisation, a recovery agency such as the municipal council, or a tenancy manager must confirm their housing is no longer safe or habitable, due to an emergency.

b. Priority Transfers

The Priority Transfers category is for existing social housing tenants that require urgent relocation to another social housing property because their current property is unsafe or unsuitable, is to be sold, redeveloped or better utilised.

To be considered eligible, the type of circumstances that must be demonstrated include:

Safety issues: there are safety issues, for example, due to family violence, anti-social behaviour, threats to safety in a rooming house, risk of ex-prisoner tenant re-offending etc.

Manifestly unsuitable housing: the existing housing is manifestly unsuitable resulting in a situation where a person cannot continue to live there independently, for example, they need major disability modifications or level access, they cannot accommodate a live-in carer,

Uninhabitable housing: when a person's property is uninhabitable, because there has been a fire, flood, vandalism or similar.

Family re-unification: a need to re-unify a family, for example, if a court has ordered that a child should stay with their parent three nights a week and there is not enough bedrooms to accommodate the child.

Stock utilisation: a need to better match tenants to properties that improves stock utilisation. For example, where a tenant wishes to downsize from a four bedroom house to a two bedroom house as their children have grown up and moved out of the family home.

Property management: where a current social housing tenant needs to be urgently relocated as their current property is unsuitable or unsafe, or is to be sold, upgraded, or redeveloped.

c. Homeless with Support

The Homeless with Support category is for individuals or families who are homeless, at risk of homelessness or experiencing family violence who:

- have no alternative housing options;
- are receiving support through a government-funded support program; or
- who are exiting care or custody under health, child protection or justice arrangements.

Applications for Homeless with Support must be submitted by a designated service provider on behalf of an individual or household.

The reasons under which a person is considered eligible for the Homeless with Support category are:

- **Homeless** : for people who are experiencing homelessness (including unstable accommodation, couch surfing and transitional housing) or who are exiting care or custody under health, child protection or justice arrangements and are receiving case managed support,
- **Family violence**: for people who are experiencing family violence and are receiving case managed support,
- **Housing First**: for people who are homeless or at risk of homelessness and receiving case managed support by a Housing First organisation, or;
- **Rapid Housing Assistance Fund (Family Violence and Homelessness)**: for people who are participating in the family violence or homelessness stream and it has been determined by the Rapid Housing Assistance Fund housing provider as an unsustainable housing option.

d. Supported Housing

The Supported Housing category is for people or families whose existing housing is highly unsuitable. Individuals and households eligible for the Supported Housing category are people who:

- Require major structural modification to their existing housing due to a household member's disability or health condition, but such modification cannot be made; or
- are unable to access required assistance of personal support through an approved support provider to be able to live independently or their housing is significantly detrimental to, or exacerbates, their physical or mental health condition.

e. Special Housing Needs

The Special Housing Needs category is for people who are living in housing that has become unsuitable and have no alternative housing options.

The main priority reasons and the type of circumstances that an applicant must demonstrate to be eligible for this category include:

- **Insecure Housing**: that is, living in temporary, emergency or crisis housing or with friends or relatives
- **Inappropriate housing**: comprising severe overcrowding, unsuitable housing and family reunification
- **Unsafe housing**: comprising of family violence and serious threat of physical danger; or
- **Urgent Medical Needs**: with a serious medical condition, where the person urgently requires alternative housing.

f. Special Housing Needs aged 55 years and over

This category is for people aged 55 years and over who wish to be considered for social housing who are not eligible for any other priority access category. This category only applies to single people or couples (that is, both applicants will need to be aged 55 years or above).

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