

Rent

Purpose

The purpose of this policy is to outline how Bridge Housing Limited (Bridge Housing) calculates rent and manages the bi-annual Rent Review process.

Scope

This policy applies to all tenants who live in a property that is owned or managed by Bridge Housing. As a registered Community Housing provider, Bridge Housing's Rent Policy must comply with the NSW Department of Family and Community Services (FACS) *Community Housing Rent Policy*. The FACS Policy sets out the NSW Government's requirements for rent policies operated by community housing providers in NSW.

Policy Overview

Through our Rent Policy, Bridge Housing aims to ensure a clear and consistent rent setting approach for all tenants.

As a starting point, Bridge Housing charges market rent for its properties. The market rent for capital properties is based on the NSW Rent and Sales Report prepared by NSW Department of Family & Community Services - Housing NSW. For leasehold properties the market rent is based on the actual market rent charged to Bridge Housing by the private owner.

People on very low to moderate incomes are households can apply for a rental subsidy to meet the cost of market rent. This subsidy varies according to the type of program and the income level of the tenant.

Bridge Housing has the authority to grant a rent subsidy under the provisions of the *FACS Community Housing Rent Policy 2014* and the *NSW Residential Tenancies Act (RTA) 2010*. In order for Bridge Housing to determine if a tenant is eligible for a rental subsidy, the tenant and household members must provide details of their income and assets to Bridge Housing. Usually this will occur when Bridge Housing undertakes its rent reviews every six months in March and September to coincide with changes in Centrelink payments.

Policy

Bridge Housing calculates how much a tenant should pay in rent taking into account the market rent for the property and any subsidy that the tenant should receive to assist them to meet the costs of their rent including Commonwealth Rent Assistance.

Market Rent

The market rent is the rent shown in the Residential Tenancy Agreement. For capital properties, market rent is calculated as the median rent for a property of the same type and bedroom size in the Local Government Area. The Median rent is determined by Housing NSW's Rent and Sales Report. Bridge Housing updates market rents on capital properties annually.

For leasehold properties market rent is the actual rent payable for properties leased from the private rental market. Market rents for leasehold properties are reviewed and updated when the actual rent for the property changes. If there is a change in the market rent for a property, tenants are given notice in writing as per the [Residential Tenancies Act 2010](#).

Rental Subsidy

If a household has a low or moderate income, the tenant can apply for a rental subsidy using Bridge Housing's [Application for Rental Subsidy pamphlet](#). If a rent subsidy is granted, this will effectively subsidise the market rent payable. This means that the amount of rent paid by tenants is based on a percentage of their income and assets.

When assessing eligibility for a rental subsidy, Bridge Housing will ensure that:

- Each assessment of rent subsidy and the application of market rent are fair, consistent and transparent.
- The complex needs and vulnerability of our tenants will be taken into account and we will be proactive and empathetic in our approach to communicating in these circumstances.
- Bridge Housing staff are properly trained and resourced to implement this policy.

Rent Charging

Bridge Housing will calculate the amount of rent to be charged to the tenant on the assessable income of the household. This includes the tenant and all residents. The *FACS Community Housing Rent Policy* specifies what is included in assessable income. In summary assessable income includes:

- Income from statutory payments
- Wages or casual earnings
- Self employment
- Any assessable supplement payment
- Any household member not eligible for a payment or who is eligible for a statutory payment will be charged rent based on the statutory allowance amount.

In a simple form, rents are calculated as follows:

**Market Rent Payable by a Tenant =
(Percentage of household income and assets) +
100% Commonwealth Rent Assistance.**

Table 1 below shows the percentage of income payable by different members of a household in a **social housing property**. There are different rates based on the ages of the tenants and the payment they receive from Centrelink.

Tenants in **affordable housing programs** may pay up to 30% of their household income or up to 74.99% of the market rent.

Table 1: Percentage of income payable in social housing rent

Rate	Position
25%	The tenant, and their spouse or live-in partner, irrespective of their gender or age.
	All other persons living in the household who are aged 21 years or over.
15%	People living in the household aged 18 to 20 years inclusive who are not the tenant, their spouse or live-in partner.
15%	Family Tax Benefit Part A & B
NIL	Persons living in the household aged under 18 years who are not the tenant, their spouse or live in partner are not assessed for rent- setting purposes.

Income from wages and casual earnings

Tenants and household members, who receive a wage or casual earnings, must provide pay slips showing their current gross income per week.

If the tenant or household member work fixed hours per week, 4 weeks of pay slips must be provided. If the tenant or household member work casual hours (changes per week) and/or works overtime, 12 weeks of pay slips must be provided.

If pay slips are not available, Bridge Housing Limited can accept either a signed letter from the employer on headed paper, or a completed Bridge Housing [Income from Employment](#) form. The 'Income from Employer' form must be completed by the employer and officially business stamped.

Self-Employed Tenants

Self-employed tenants will have to provide their income details to Bridge Housing to verify their eligibility for subsidised rent. Their income details must be provided in accordance with the *FACS Community Housing Rent Policy*. This states that we can not accept a 'Notice of Tax Assessment' as details of a self employed income.

One of the following types of information must be received by all self employed tenants:

- Full version of a completed lodged Australian Tax Return from the Australian Tax Office website. This must include all pages of the tax return, which includes the individual's income, expenses and interested earned for the financial year, or
- a profit and loss statement from a chartered accountant, and
- Last three months Bank statements showing transaction details from all investment organisation/banks for all accounts held for all business and personal accounts, including any savings and shares.

Self employed income will always be calculated on the income earned from the previous financial year. During the rent review held in September, all self employed tenants must provide their income details for the last financial year to be used to calculate future subsidised rent. For rent reviews held in March, we will use the calculated subsidised rent from the rent review held in September, unless the tenant advises Bridge Housing of a sufficient change in income. If a self-employed tenant's income changes significantly from the previous financial year, Bridge Housing Limited can make the decision to apply a retrospective adjustment from the 1 July of that year, to amend the tenant's subsidised rent.

No statutory income or reduced statutory income

As indicated in the *FACS Community Housing Rent Policy* the following applies:

The rent subsidy application will be assessed based on the statutory allowance the tenant or other adult household members would normally receive when:

- the tenant or adult household member has chosen not to apply for a statutory income to which they are entitled
- the tenant or adult household member is not eligible to receive a statutory income
- the tenant or adult household member is receiving a reduced statutory income and has no income from any other sources
- Where a tenant or household member is not eligible to receive statutory income based on the partner's income, Bridge Housing will apply a rent charge amount that is deemed acceptable for the household.

Proof of income

Tenants must provide proof of Income. Proof of income must be original and can be:

- Provided through the Income Confirmation Scheme for all Centrelink income support type payments. Tenants and household members can give their Authority for Bridge Housing to access their income details in line with the Centrelink eService Terms and Conditions and Policy by completing the *Tenancy – Income Confirmation Scheme Consent Authority* Form on the Bridge Housing website.
- Provide a current income statement by the Department of Veteran's Affairs. Tenants must contact the Department of Veteran's Affairs to request a updated income statement and send direct to Bridge Housing.
- Payslips, letter or statement from the employer detailing gross wage, applicable tax, deductions, pay period and payee details for salary or wages.
- Profit and loss statement completed by an accountant or a lodged taxation return with at least three month business and personal bank statements for self employed tenants and household members
- Letter or statement from Overseas Government detailing the amount received for Foreign pensions, if not recorded through Centrelink.
- Letter or statement from WorkCover or Insurance Company detailing the gross amount received.
- Bank statements showing transaction details from all investment organisation/banks for all accounts held for the period specified for each household member aged 18 and over.

Documents must not be more than one month old on the date they are submitted, and Centrelink income statements must be current showing the change in payments in line with the increase in CPI rates. An exception is given for Tax Returns which must not be more than 13 months old.

Rent Subsidy Reviews and Rent Changes

Bridge Housing will undertake a general income and rent review for all tenants in March and September of each year, in line with changes in the Consumer Price Index.

For tenants in Fee for Service or Affordable Housing Programs a general income and rent review will be undertaken according to the management contract with the property owner.

During a rent review, Bridge Housing requires the following details for each tenant and household members:

- Application for Rent Subsidy
- Income Details for the tenant and any household member aged 18 and over (including details of assets where relevant).

These forms will be included in the Rent Review Notification Letter, which is sent 60 days before the rent increase date, as well as an additional 4 days for expected post to be delivered. This also constitutes as 60 days notice of a market rent increase.

Tenants agree to supply their income details to Bridge Housing when commencing their tenancy, under Section 187 of the NSW Residential Tenancies Act 2010.

Tenants who fail to supply a completed *Application for Rental Subsidy* form and verification of the household income by the due date will no longer be eligible for a rental subsidy and will be required to pay market rent from the specified due date and may be subject to New South Wales Civil Administrative Tribunal (NCAT) action.

Failure to Respond

If a tenant fails to provide all details to allow assessment of household income to take place by the relevant due date, the following will take place:

- The rent will be increased to the market rent value on the increase date of change for the rent review process, which is in effect 60 days after the first notification letter was sent notifying the tenant of the increase of market rent.
- Within the 14 day period to the date of change, an appointment will be made for the tenant to come to Bridge Housing office to meet with their Housing Manager or the Income Coordinator, and provide the relevant documentation to support their application for rental subsidy. Therefore, Bridge Housing are providing a further warning to tenants that Market Rent may be applied.
- At the time of the appointment, the tenant must provide the outstanding information required to allow assessment. Additionally, the tenant must provide reasons for not providing the documentation within the original 60 days notice period given.
- Failure to attend the appointment (or to attend an appointment arranged at another time) within the 14 day period, will result in market rent being applied on the increase date of change for the rent review process.
- Market rent will continue to be charged until or unless all the required information is provided and results in the tenant being eligible for a rental subsidy.
- If the tenant is in fact eligible for a rental subsidy, the rent subsidy will be reviewed based on the circumstances surrounding the reasons why the information was not returned by the due date, and may be backed from the date market rent was applied. This will be in accordance with Bridge Housing's *Compliments, Complaints and Appeals Policy*.

A tenant can appeal the decision of the market rent charge period (see Appeal and Complaints process). Any such appeal should provide evidence supporting the reasons for not providing the required information within the prescribed timeframe. Appeals relating to application of Market Rent may be appealed at any time up until the next rent review.

Notification to Tenants

Tenants will be notified in writing of any changes in their assessed rent and such notification will include a copy of the rental assessment.

Where the assessed rent results in an increase of rent payable by the tenant, Bridge Housing Limited will ensure that any action taken to increase the tenants' rent does not conflict with the relevant provisions of the NSW Residential Tenancies Act 2010.

Vulnerable Tenants

If a tenant is identified as vulnerable and receives no ongoing support, Bridge Housing Limited will review their situation and consider this individually. If the tenant is identified as vulnerable and it is considered that the tenant may have difficulty or have a history of not providing the relevant documentation for the Rent Review process within the time period, then the General Manager, Operations, may decide to calculate their rent subsidy without all the necessary information received until other arrangements to obtain the information are made (including where Bridge Housing obtains permission to gather this evidence on behalf of the tenant). This includes the application for rental subsidy and the household income details. To calculate the rental subsidy without the household income details, Bridge Housing staff will have to consider if we can confirm the type of income received based on previous calculations.

Fluctuations in income

Where a tenant's income varies, and Bridge Housing identifies a consistent change in the tenant's rent assessment, it is possible to average the tenant's income over a 3 or 6 month period for the purposes of rent assessment or if the tenant requires we can complete quarterly rent reviews.

Newly arrived residents or those holding an Immigration Visa

Some new migrants have no income because they are not eligible for Commonwealth Government Assistance through Centrelink for the first two years of arriving in Australia. If the person also has work restrictions Bridge Housing Limited can apply a rent charge that it is deemed acceptable.

Bridge Housing will require a copy of the individual's visa, including bank statements showing all transactions for the period specified for each account held. If the visa shows ineligibility for Centrelink payments, but has no work restrictions, Bridge Housing will assess their rent based on the statutory income rate as per the *FACS Community Housing Rent Policy*.

If the accounts show a value exceeding the assessable rate or a income, this will be calculated as income as per the *FACS Community Housing Rent Policy*.

Rent Review – effective dates

During the rent review period it is important to keep to the effective dates to ensure the assessment is fair in accordance with the 60 days notice period required for market rent increases.

Decrease in rent

The date for the application of a decrease in rent will be the same date as the date Bridge Housing was notified of the change in the tenant's household income and all of the required information was provided by the tenant. For administrative purposes, Bridge Housing will use the previous Monday as the effective date.

Increase in rent

The effective date for the application of an increase in rent will be the date as advised by the initial notification by Bridge Housing in the Rent Review notification letter.

Rent Change – effective dates

Decrease in rent

In circumstances of a rent decrease, the date for the change in rent will be the date of the change in the assessable household income, providing the tenant notified Bridge Housing of this change within 21 days and all of the required income information was provided by the tenant within the period. For administrative purposes, Bridge Housing will use the previous Monday as the effective date.

If the tenant notifies Bridge Housing outside of 21 days from the date of change in the assessable household income, the date for the change in rent will be the date Bridge Housing was notified by the tenant, and all of the required income information was provided by the tenant. For administrative purposes, Bridge Housing will use the previous Monday as the effective date.

If the tenant appeals the decision not to backdate the decrease in rent to the original date of change, and the appeal is approved the decrease can be actioned but must not exceed a maximum of 6 weeks from the date Bridge Housing was originally notified.

Increase in rent

In circumstances of a rent increase due to the tenant or household member beginning work, Bridge Housing will increase the rent 28 days from the date of change, providing the tenant notified Bridge Housing within 21 days of the date of change and all of the required information to assess the rental subsidy, is provided by the tenant.

In all other circumstances of a rent increase the date of change in rent will be the following Monday from the date of change in income, providing the tenant notified Bridge Housing within 21 days of the date of change and all of the required information to assess the rental subsidy is provided by the tenant.

For administrative purposes, Bridge Housing will use the following Monday as the effective date.

If a tenant notifies Bridge Housing outside of 21 days from the date of change in the assessable household income, the date for the rent increase will be the date of change in the income.

For administrative purposes, Bridge Housing will use the following Monday as the effective date. A retrospective adjustment will be applied to the tenants Rent Account, which may result in arrears, and will be subject to New South Wales Civil Administrative Tribunal (NCAT) action.

Where the tenant or household member has begun work and has given 'good cause' for having been unable to or having not provided the required information within 21 days of the increase in assessable household income, consideration can be given to increase the rent 28 days from the date of the change. Such approval can be given by the Income Coordinator.

Change in Household Income

Tenants must inform Bridge Housing Limited within 21 days if there is a change in the household income. Within these 21 days, tenants must have also provided all the relevant income details required to calculate the change in the subsidised rent, if any. Failure to advise Bridge Housing of changes in the household income or complement may result in formal tenancy action.

Where a failure to advise Bridge Housing of changes to the household income or household complement of the tenancy is considered repeated or deliberate, Bridge Housing may take formal action to terminate the tenancy.

When a tenant informs Bridge Housing of a change in their circumstances, the housing manager will send a written letter to acknowledge the request for a re- calculation based on their change, and request any relevant documentation that may be required to complete the review.

Bridge Housing will ensure that tenants are informed at sign up, and during each rent review period, that they must notify Bridge Housing of any changes to their household income and complement (the number of people in their household), as a condition of their tenancy obligations.

Each tenant has the responsibility of providing the income details and bank statements for all accounts for all household members to Bridge Housing. This responsibility applies to all rent changes, during or outside a rent review period.

When applying for a rent subsidy a tenant must declare all assessable income, (including details of financial assets) and provide proof of the amount received by their spouse/partner and each other member of their household aged 18 years and over.

All documentation concerning rental assessment and rent reviews will be retained on the tenant's file.

Rent during approved absences

In accordance with the *Absence from Property Policy*, a tenant must notify Bridge Housing if they are away from the property for more than two weeks by completing a *Absence from a Property Form* available on the Bridge Housing website. Absences from a property are reviewed on a case by case basis. Bridge Housing will generally allow up to 3 months absence. Tenants will be expected to provide an agent while the tenant is away and meet all rental charges during this time.

A tenant may apply for a reduction in rent to \$5 per week for up to twelve weeks under certain circumstances. The following principles must be applied when determining a reduction in rent based on the above circumstances.

- Tenants or household members will only be eligible for a reduction in rent if they are required to pay fees for their absence, such as essential accommodation expenses (e.g. nursing home or respite care), or where they are not entitled to receive an income during their absence (e.g. incarceration).
- Evidence must be provided to confirm the commencement and end date of the absence period, as well as documentation confirming the expenses incurred for the alternative accommodation or that the person is not eligible for an income during that period.
- If there are household members in the property during the absence, their income will continued to be included in the rent calculation.
- Holidays, including visits within Australia or overseas for any purpose (other than those stated above) do not constitute eligibility for \$5 rent.

Five dollar rents must be approved by a Team Leader. Any extension of the original decision which would extend over 12 weeks must be provided to the General Manager Housing and Community for out of guidelines consideration, and will only be approved in exceptional circumstances.

Further information on the circumstances and process for applying for an absence from property are contained in the *Absence from Property Policy*.

Rental subsidy fraud

In NSW, all community housing tenants must verify their eligibility for a rental subsidy at the request of the housing provider. This may occur at any time during the tenancy and for different reasons. Some requests for review of rental subsidy eligibility are planned and cyclical, whilst others are at the request of the housing provider, to ensure that the tenant remains eligible for a subsidy and in some cases to investigate an allegation of rental subsidy fraud or non-disclosure.

Rental subsidy fraud occurs when a tenant deliberately makes a false, incomplete or misleading statement about the income or assets of themselves or any member of their household. This includes intentionally failing to notify Bridge Housing about changes to their household circumstances including permitting unapproved occupants to live at the property.

Rental subsidy non-disclosure occurs when a tenant has failed to notify Bridge Housing of any change to their household circumstances but has not done so deliberately.

It is a tenant, visitor s or additional occupants' responsibility to prove that they are eligible to receive a rental subsidy and to ensure that all changes in their household circumstances are reported to Bridge Housing.

If Bridge Housing receives information that a tenant is receiving a rental subsidy that they may not be entitled to, we are required to investigate to determine if:

- Rental subsidy fraud has occurred, or
- Rental subsidy non-disclosure has occurred, or
- The rental subsidy is correct and no further action is required.

Once investigated and Bridge Housing has proven rental subsidy fraud or rental subsidy non-disclosure, action may include any or all of the following:

- Cancellation or adjustment of the rental rebate – this may be backdated and the debt placed on the tenant's rental account
- In cases of serious and deliberate fraud, take formal action to terminate the tenancy
- If the fraud is of a criminal nature, refer the matter to NSW Police.

Tenants must ensure that all occupants of the property have been approved by Bridge Housing and that they are paying rent in accordance with the *Rent Policy*. If an additional household member is approved, Bridge Housing will then backdate any rental charges from the date of occupancy. In the case where a household member is not approved, you have the right to appeal this decision if you believe it is incorrect. If the appeal is upheld in your favour, it is important to remember that the rent will be backdated to the date of occupancy and in many cases, this results in a significant debt. Bridge housing would encourage you to be prepared for this, should the appeal be determined in your favour.

If you do not appeal the additional occupant decision and the person(s) continue to reside in your tenancy, Bridge Housing will proceed with seeking orders from NCAT. Bridge Housing will apply to the NSW Civil and Administrative Tribunal (NCAT) to take action against the tenancy for unapproved occupants residing in the property.

Bridge Housing will however, ensure that you are aware of the steps taken and that you have access to an appeals process prior to any action taken at the NCAT, particularly if this action is likely to have a serious effect on your tenancy.

Bridge Housing will investigate an allegation of rent subsidy non disclosure or fraud, and will apply procedural fairness. We will ensure that tenants are made aware of the nature of the allegations wherever possible and ,any allegations and that they are advised of their right to provide evidence to refute any allegations made against them.

When investigating incidents of rental subsidy fraud or rent subsidy disclosure, tenants can expect to :

- Have an impartial hearing with Bridge Housing
- Have a support person of their choice present at interviews
- Have an interpreter if required
- In most cases Bridge Housing will advise the tenant of the information and any documentary evidence Bridge Housing has obtained of the allegation
- Have an opportunity to respond to the allegations made against them
- Receive a written letter recording the findings of the interview. Tenants will have an opportunity to read and check that Bridge Housing has recorded an accurate account of the interview, and details of their right to appeal.
- Receive a final determination in writing.

Social housing is a scarce resource and a rental subsidy is based on a tenant's eligibility and circumstances. As such, tenants will be expected to provide reasonable evidence to satisfy Bridge Housing that the allegations of fraud are false. To verify information, Bridge Housing may seek information or make inquiries in relation to:

- The tenant's employer or alleged employer
- Neighbours
- Supply authorities, like gas, electricity, water and telephone providers
- Real estate agents
- State Government agencies
- NSW Police
- Centrelink
- Banking authorities
- Any other likely sources of relevant information.

Complaints and Appeals

If a tenant is not satisfied with a service provided by Bridge Housing or does not agree with a decision it has made in relation to the calculation, backdating or cancellation of a rental subsidy, they can ask for a formal review. Bridge Housing's *Compliments, Complaints and Appeals Policy* outlines how we will undertake a review of our decision. A copy of our policy and information leaflet, is available from Bridge Housing's office or downloaded from our website:

www.bridgehousing.org.au.

An appeal regarding rental subsidy will be considered by Bridge Housing within the rent review period, and up until the following rent review. Appeals relating to application of market rent may be appealed at any time up until the next rent review.

If a tenant is unhappy with the outcome of an appeal to Bridge Housing, they can lodge a second level appeal with the Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.

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