

# Factsheet: Social Housing – What You Need to Know About Your Rights

## What is social housing?

Social housing is housing for people on a low income. The rent is cheaper because it is “subsidised”. The rent you pay is based on your income (usually around 25% of your income).

Social housing that is provided by the NSW government is called “public housing”. Social housing that is provided by a private company is called “community housing”.

## What can I do if my housing provider won't do repairs?

Social housing tenants have the same rights to have their homes repaired as all other tenants in NSW. Under the *Residential Tenancies Act 2010* (NSW), social housing providers must provide and maintain your home in a reasonable state of repair.

If your home needs repairs, it is important that you tell your social housing provider as soon as possible. When you tell them, you should ask for a reference number and write it down along with the date and time of your call.

Once your social housing provider knows about the need to repair, they must fix it within a reasonable amount of time. If they do not, then they may be in breach of your lease.

If you think that your social housing provider has not acted quickly enough to repair your home, you can make an application to the NSW Civil and Administrative Tribunal. They can order that your social housing provider do the repairs.

To make an application, you will need evidence of what the repair issues are and evidence that you have reported them to your social housing provider.

## My neighbours are making me feel unsafe, what can I do?

Some social housing tenants experience harassment or violence from their neighbours. Others have neighbours who may be involved in illegal activities that make you feel unsafe in your home.

You have a right to have your quiet enjoyment of the property respected by both your social housing provider and your neighbours.

You also have a legal obligation not to interfere with the reasonable peace, comfort or privacy of your neighbours.

If a neighbor has made threats against you or is making you feel unsafe, you should report this to the NSW Police. Keep copies of the event numbers.

You can also make a complaint to your social housing provider, which will investigate your complaint and take action to resolve the issue.

This may involve seeking an order that your neighbour complies with their lease or in serious cases, trying to evict your neighbour.

If the actions of your neighbour are serious and your social housing provider does not take appropriate action, you may be able to seek an order at the Tribunal to make your social housing provider take appropriate action or for compensation.

### **My home is no longer suitable for me, can I move?**

Social Housing tenants can apply for a transfer when their home is no longer suitable for their needs. In order to apply for a transfer, you need to establish that your property is no longer suitable for you for one of the following reasons:

- medical condition
- you are at risk in your home
- severe and ongoing harassment
- the property is over-crowded
- there are spare bedrooms
- you need to move because of your job
- there has been a family breakdown
- for other compassionate reasons

You need to fill in a transfer form (which you can obtain through your social housing provider) and supply evidence to show that you need to move from your home for one of the above reasons. For example, if you have mobility problems and cannot walk up and down stairs, you need to include medical evidence to support this.

You will also need to nominate an area that you would like to live in, and show why you need to live there. If your social housing provider does not accept your application, you can appeal that decision.

There are time limits for lodging an appeal to your social housing provider so you should seek legal advice as soon as possible.

### **When will I get a new house?**

Once approved for transfer you will need to wait for a property to become available for you. This can take up to 5 years depending on how urgent and housing availability.

You will receive 2 reasonable offers. A reasonable offer is a property that is in the general area that you said you wanted to move to, the correct number of bedrooms you're entitled to and any other housing needs outlined in your transfer application.

Each social housing provider has a different policy about accepting and declining offers. Seek legal advice before you say no to a property that is offered.

### **Help and advice**

Redfern Legal Centre provides free and confidential legal advice:

- Phone us on **(02) 9698 7277**. If you need an interpreter, phone the Translating and Interpreting Service on **131 450** and ask them to phone us
- Visit us at **73 Pitt Street Redfern**
- Email us at [info@rlc.org.au](mailto:info@rlc.org.au)
- Fill in our web enquiry form at [www.rlc.org.au](http://www.rlc.org.au)

We do not advise about neighbor disputes.

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*This factsheet is not a substitute for legal advice. If you have a problem, please seek legal advice.*