

# Money Matters in Social Housing

Webinar



Redfern Legal Centre



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# **Acknowledgement Of Country**

# Outline

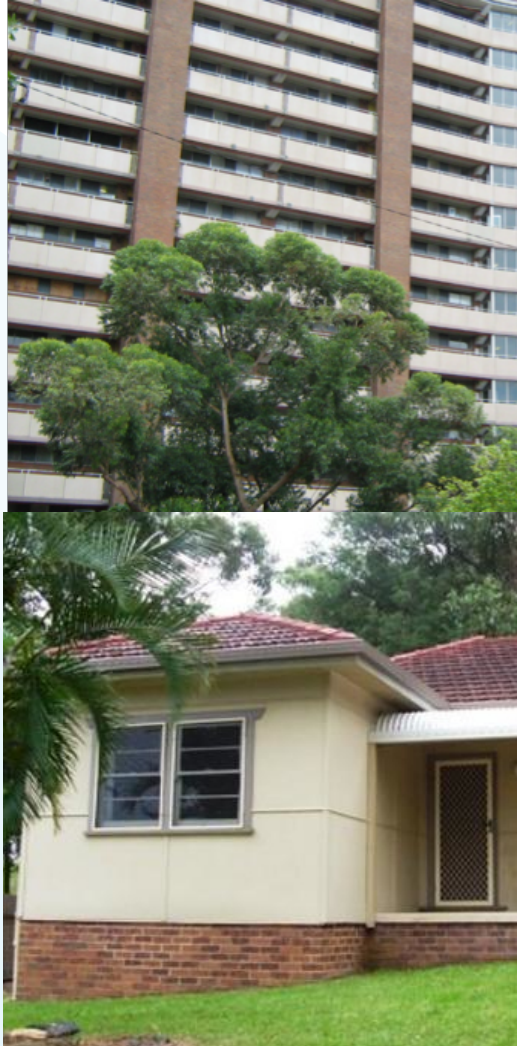
1. Types of charges in social housing
2. Rent arrears
3. Subsidy cancellations
4. Questions and More Information

**Resources** <https://rlc.org.au/training/resources/housing>



# **1. Types of Charges in Social Housing**

# Social Housing



- **Public Housing**  
FACS Housing (was Housing NSW)  
NSW Land & Housing Corp
- **Community Housing**

# Types of charges in social housing

- Rent
- Water usage
- Tenant repair costs
- Debts from a former tenancy





# Rent

- **Market rent**
- **Subsidised rent**

# How do subsidies work?

*“A rent subsidy is the difference between the market rent and the rent a tenant pays.*

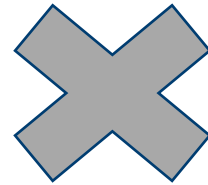
*Housing NSW does not pay the rent subsidy to the tenant, but deducts it straight from the market rent.”*



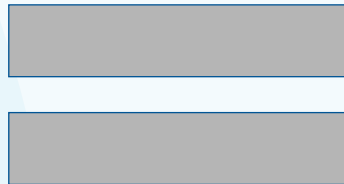
# Subsidies / rebates

A “rent assessment” / “subsidy review” – the system of calculating rent:

Total assessable weekly income of each household member over 18 years old



Apply a percentage to each part  
(generally 25-30%)



Tenant's Rent

## RENT SUBSIDY REVIEW - YOUR NEW RENT

This letter is to advise you of your new rent charge.

We have assessed your eligibility for a rent subsidy.

Our assessment has determined that you are eligible for a rent subsidy.

### Your new rent

Your rent will be **\$337.35 per week**, which commences from **12 October 2015**. Your new rent is based on your household income details shown in the *Rent Assessment Details* table at the end of this letter.

### Adjustments due to your rent

Due to the change in your household income, we have adjusted your rent account by \$120.30 CR.

If you disagree with our decision, you should first discuss it with your client service officer. If you still believe we made a mistake, you can ask for a formal review of the decision. For information on how to make a review, read the *Reviewing Decisions* fact sheet or the *Decisions* policy available from our website [www.housing.govt.nz](http://www.housing.govt.nz).

### Changes to your household or income

You must tell us in writing within 28 days of any change in your household income, assets of yourself or any household member. It is important to tell us because we do not receive this information automatically.

### More information

For information on the subsidy policy and how to apply, see the *Rent Subsidy* fact sheet.

## Rent Assessment Details for your Household

We have assessed your rent.

If you think the assessment is incorrect or you would like to speak with one of our staff about how your subsidy was assessed, please call us on the number on the front of this letter.

Income Type	Income Amount	Assessment % Rate	Rent Calculation
ENERGY SUPPLEMENT - NSA	\$4.40	27.52395%	
NEWSTART	\$256.65	27.52395%	
Rent Contribution			\$71.85
ENERGY SUPPLEMENT - YAL	\$2.30	15%	
YTH ALLOWANCE HOME	\$137.80	15%	
Rent Contribution			\$21.02
WAGE FULL-TIME	\$888.22	27.52395%	
Rent Contribution			\$244.47
Total			\$337.35
			(Rounded to nearest 5 cents)

week.



# **Water Charges**

**Percentage  
or  
Actual usage**



# Tenant repair costs



- Property damage, other than fair wear and tear, caused by the tenant or a guest
- FACS Housing: Only if tenant accepts the damage, or it's proven in the NSW Civil and Administrative Tribunal (NCAT)

# Debts after a tenancy ends

- Combined former debt account
- Debt collection / legal action
- Categorisation when tenant re-applies for housing:

**Satisfactory**

**Less than  
satisfactory**

**Un-  
satisfactory**

**Ineligible**

## 2. Rent Arrears



# Rent arrears

1. Tenant's rent remains unpaid for 14 days
2. Termination notice (14 days)
3. NCAT (tribunal):
  - termination and vacant possession
  - specific performance order
4. Application for / enforcement of a warrant by the Sheriff

Pay to stay provisions

# Rent arrears termination

**No finding of frequent failure to pay rent**

Termination order or warrant issued has no effect if a tenant pays all the rent owing before the warrant is enforced.  
Termination process must stop.

**Finding of frequently failed to pay rent**

A termination order stands even if the tenant pays all rent owing and Sheriff can enforce a warrant for possession.



# Repayment plans

Whenever a tenant's account goes into arrears, FACS Housing will work with the tenant to try to resolve the problem.

When deciding how to respond to a tenant's account being in arrears, FACS Housing will consider the following factors:



# Repayment plans (cont.)

- The tenant's payment patterns
- The arrears amount and the length of time the tenant has been in arrears
- The reason the tenant is in arrears
- The tenant's capacity and willingness to repay the arrears
- The need for involvement of support services
- Previous arrears patterns, including the steps that have been taken to resolve the problem.

- *Housing NSW Accounts Management Policy*



# Repayment plans (cont.)

Tenant has to show what is manageable for them:

- Statement of financial position and/or budget
- Letters of support
- Evidence of other debts / repayments



# **3. Subsidy Cancellations**

# Subsidy Cancellation

## Rent Subsidy non-disclosure

- Occurs where a tenant has failed to advise FACS Housing of any change to their household circumstances but has not done so deliberately.
  - Housing NSW Rent Subsidy Non-Disclosure Policy

# Subsidy Cancellation (cont.)

## Rent Subsidy Fraud

- A tenant is aware of their obligation to advise FACS Housing of any change to their household circumstances; and
- Deliberately does not advise of the change. This can occur either by deliberate omission, or through a false, incomplete or misleading statement.
  - Housing NSW Rent Subsidy Non-Disclosure Policy

# Obligations before cancelling subsidy

- Investigate
- Advise tenant of allegation in writing
- Give the tenant an opportunity to respond to the allegation

# Consequences of rent subsidy non-disclosure / fraud investigation

- No further action by landlord
- Adjust rent subsidy
- Cancel rent subsidy
- Criminal prosecution
- Internal Appeals – Housing Appeals Committee

# Questions?

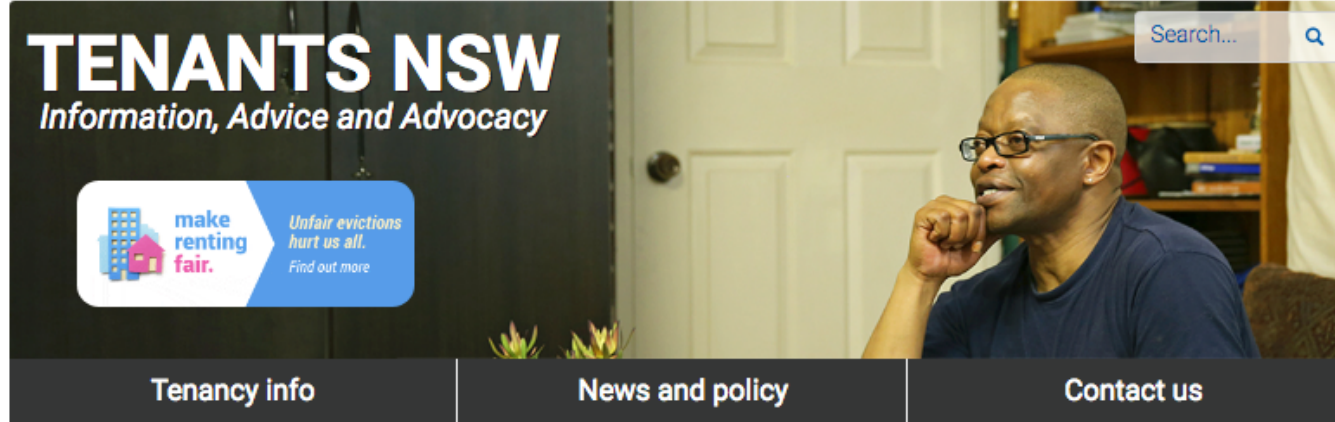


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# Tenants Advice & Advocacy Services

## POPULAR TOPICS:



free confidential legal advice on social housing

Enter your suburb at [www.tenants.org.au](http://www.tenants.org.au)

## GET ADVICE FROM YOUR LOCAL TENANT ADVOCATE:

Aboriginal Tenant Services

# Before You Go

**Your feedback** helps us improve our training.  
Please stay with us for another 60 seconds...



**Training:** [rlc.org.au/training](https://rlc.org.au/training)

Enquiries: Nick Manning  
[education@rlc.org.au](mailto:education@rlc.org.au)

This workshop is a guide to the law in NSW, Australia. It is not a substitute for legal advice. If you have a legal problem, seek legal advice from a legal centre or Legal Aid.



# We Can Come to You

RLC can present this workshop at your staff training or interagency – or we can customise training to suit your needs.



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