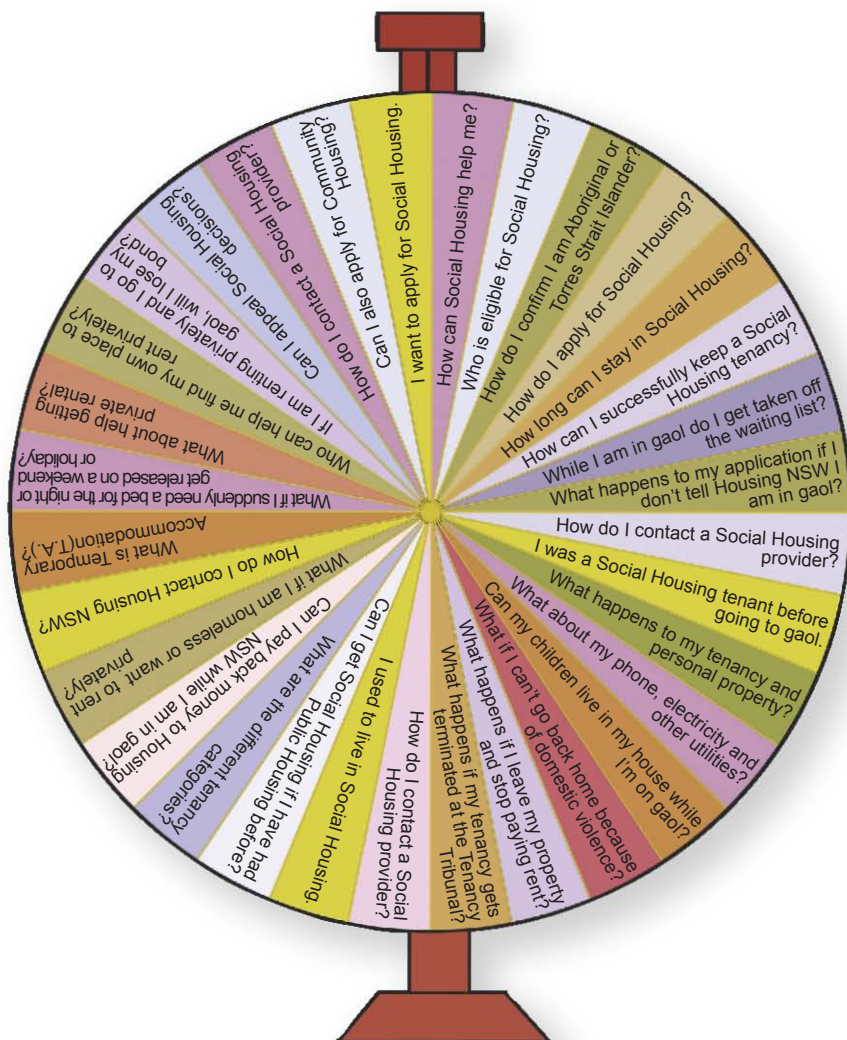


Questions and Answers about Social Housing

for people in prison or on Community Orders



Contents

Overview.....	4
Section 1: I want to apply for social housing	5
Q1. How can social housing help me?	5
Q2. Who is eligible for social housing?	5
Q3. How do I confirm I am an Aboriginal or Torres Strait Islander?.....	6
Q4. How do I apply for social housing?.....	6
Q5. How long can I stay in social housing?	7
Q6. How can I successfully keep a social housing tenancy?	7
Q7. While I am in prison, do I get taken off the waiting list?	8
Q8. How do I contact a social housing provider?	8
Section 2: I was a social housing tenant before going to prison	9
Q1. What happens to my tenancy and personal property?	9
Q2. What about my phone, electricity and other utilities?	10
Q3. Can my children live in my home while I am in prison?	11
Q4. What if I cannot go back home because of domestic violence?.....	11
Q5. What happens if I leave my property and I stop paying rent?	12
Q6. What happens if my tenancy gets stopped by the Consumer Trader and Tenancy Tribunal (CTTT)?	12
Section 3: I used to live in public housing	13
Q1. Can I get another social housing property, if I have lived in public housing before?	13
Q2. What are the different kinds of tenancy categories?.....	13
Q3. Can I pay back money I owe to Housing NSW while I am in prison?	14
Section 4: What if I am homeless or want to rent privately?.....	15
Q1. What if I am homeless?	15
Q2. What is Temporary Accommodation (TA)?	15
Q3. What if I suddenly need a bed for the night or if I am released from prison over a weekend/holiday period?	16
Q4. What about help in getting a private rental?.....	16
Q5. Who can help me to find my own place to rent privately?	17
Q6. If I am living in private rental accommodation and I go to prison, will I lose my bond?	18
Q7. Can I appeal a social housing decision?	18
Q8. How do I contact a social housing provider?	19

Overview

Housing assistance in NSW is provided under Housing Pathways. This means that assistance is delivered by Housing NSW, Aboriginal Housing Office and 28 participating community housing providers (together, referred to as social housing providers).

The term, social housing, is used to describe public, Aboriginal and community housing in NSW.

Section 1: I want to apply for social housing

Q1. How can social housing help me?

There is a range of services available including:

- assistance with applying for social housing (this includes public, community and Aboriginal housing)
- providing information about all social housing providers including public housing, community housing and Aboriginal Housing
- providing financial help to people in the private rental market; and
- providing temporary accommodation for a few nights if you are homeless.

Q2. Who is eligible for social housing?

To be eligible for social housing you must:

- be an adult (18 years of age or older), Australian citizen or permanent resident
- live in NSW and be eligible under income guidelines
- not own or part-own residential property in Australia
- be able to successfully keep your tenancy, with or without support
- repay, or undertake a written agreement to repay any outstanding debts owed to the housing provider, and
- if you are an Aboriginal or Torres Strait Islander and wish to apply for Aboriginal Housing, you need to confirm you are of Aboriginal or Torres Strait Islander descent (See Q3).

If you meet these criteria, you will be placed on the NSW Housing Register (the social housing waiting list).

Note, if you are pregnant:

- you should add your unborn child to your application for housing
- you must supply a medical certificate confirming your pregnancy
- you will not be housed ahead of other people on the NSW Housing Register (waiting list) on the grounds of pregnancy
- you must still meet all eligibility criteria as outlined in Q2 of Section 1.

Q3. How do I confirm I am an Aboriginal or Torres Strait Islander?

To apply for housing services specifically available to Aboriginal or Torres Strait Islander people, at least one member of the household must be Aboriginal or Torres Strait Islander. Your Aboriginality must be confirmed.

You can confirm your Aboriginal or Torres Strait Islander status in the following ways:

- A Confirmation of Aboriginality - NSW Local Aboriginal Land Council form
- A Confirmation of Aboriginality - Aboriginal / Torres Strait Islander organisation form; or
- Confirmation of Aboriginality - Statutory Declaration form.

If you are in prison you can obtain this form from your Regional Aboriginal Project Officer (RAPO) or Welfare Officer/Service and Programs Officer (SAPO).

Q4. How do I apply for social housing?

To apply for social housing, you must meet the criteria in Q2 of Section 1 and complete the Application for Housing Assistance form. This form relates to public housing, community housing and the Aboriginal Housing office.

You can get an application form from the Welfare Officer/SAPO who can also help you fill it in. (Housing NSW staff visit some correctional centres and could also assist you to fill in the form).

Once you have completed your form, either hand it in to any social housing office or ask the Welfare Officer/SAPO to send it to Housing NSW for you. The housing provider will assess your application and then write to you to let you know if you have been placed on the NSW Housing Register.

Please remember, there is often a long wait for social housing. The waiting time depends on what housing you have requested, where it is and your circumstances. It could be many years before you are provided with housing.

Q5. How long can I stay in social housing?

For Housing NSW and Aboriginal Housing tenants:

The length of time you can stay in Aboriginal or public housing is now matched to your need. As a new tenant, you are placed on a two (2) five (5) or ten (10) year lease, with a re-assessment done before the end of the lease period. This is to determine if you are still eligible for further housing assistance.

For Community Housing tenants:

The length of time you can stay in a Community Housing tenancy varies between the housing providers. At the time of allocating a property to you, the housing provider will inform you of their policy, procedures and the type of tenancy agreement that you will be offered.

Q6. How can I successfully keep a social housing tenancy?

When you sign a lease, the housing provider, just like private landlords, expects you to:

- pay your rent on time (staff can set up direct rent payments from your benefits so that your rent is paid on time)
- look after the place you live in
- respect your neighbours, for example, by keeping the noise down; and
- be able to live independently (with or without support services).

In the community, you can pay rent, water, former housing debt, electricity and gas:

- online, using the Housing NSW website
- by BPay, using phone or internet banking
- Australia Post, using your Tenant Payment Card
- through the Rent Deduction Scheme, if you receive a Centrelink payment, or
- by direct debit from your bank account.

You can get more information on these payment options at Housing NSW website: **www.housing.nsw.gov.au**.

In prison, you can arrange to pay your rent or former housing debt through your inmate/bank account. Refer to your Welfare Officer/SAPO.

Q7. While I am in prison, do I get taken off the waiting list?

No. As long as you inform a housing provider that you are in prison, your application will be made inactive (suspended/put on hold). An inactive application does not mean that you have been taken off the Housing Register. All it means is that Housing NSW knows you are in prison, and while you are in prison, no offers of accommodation will be made. However, you will continue to progress up the Housing Register while you are in prison.

After you are released from prison, you must go into a housing provider's office to update your application for housing. You will need to provide two forms of identification and proof of income (letter from employer or statement from Centrelink saying how much you receive). You also need to tell them your current address. Your application will then be re-activated from your original application.

Q8. How do I contact a social housing provider?

If you are in the community, you can call Housing NSW yourself on 1300 468 746 (24 hours, 7 days per week).

If you are in prison, you can ask your Welfare Officer/SAPO to ring the housing provider for you. You may also be able to make a free call to Housing NSW on the Offender Telephone System (OTS).

Note: You may be asked to sign a form giving permission for your Welfare Officer/SAPO to speak on your behalf.

Section 2: I was a social housing tenant before going to prison

You need to notify your housing provider as soon as possible that you are in prison. If your housing provider does not know where you are, you may be charged full rent.

Q1. What happens to my tenancy and personal property?

For public housing and Aboriginal Housing tenants:

If your home is going to be empty for less than 3 months:

- you need to apply to your housing provider to keep your tenancy
- you need to apply for reduced rent of \$5 per week for up to thirteen (13) weeks
- you need to make sure your rental payments are up to date (you do not need to pay water charges over this period)
- you need to ask the Welfare Officer/SAPO to contact Housing NSW as soon as possible and advise them of your circumstances
- you need to sign the General Collection and Disclosure Authority form. By sending it to Housing NSW, you are giving the Welfare Officer/SAPO permission to deal with Housing NSW on your behalf
- you can appoint a family member, friend or agent to act on your behalf. If you appoint someone to act for you while you are in prison, you need to advise Housing NSW who they are, and how they can be contacted.

As your representative, this friend, family member or agent needs to:

- pay rent on time to Housing NSW while you are in prison, and
- look after your property.

If you are not released from prison at the end of 3 months, you may:

- apply for the tenancy to be transferred to another eligible household member, or
- end your tenancy and return the keys to your housing provider.

You will need to decide what you want to do about your belongings, pets and valuables. Prisoners' Aid Association (PAA) provides services to some correctional centres, which includes collecting and storing your valuables. See your Welfare Officer/SAPO for assistance. You will also need to talk with your Welfare Officer/SAPO about your pets.

Housing NSW will look at re-housing you after your release from prison, if you were a satisfactory tenant; provided that you re-apply for social housing as soon as possible. Talk to your Welfare Officer/SAPO as soon as you can.

Note: If the reason for imprisonment is related to a breach of the Tenancy Agreement, your housing provider will commence action to terminate your tenancy through the Consumer Trader and Tenancy Tribunal (CTTT).

If you will be in prison for more than 3 months you must:

- contact your housing provider discuss ending your tenancy or transferring your tenancy to another eligible household member (this means someone who is living in the property already. This is called ‘succession of tenancy’).
- If there is no eligible household member, you will need to let your housing provider know and end your tenancy, make someone your agent to collect your property while you are in prison, and arrange to remove your personal belongings and hand back the keys.

Housing NSW will look at re-housing you after your release from prison, if you were a satisfactory tenant; provided that you re-apply for social housing as soon as possible. Talk to your Welfare Officer/SAPO as soon as you can.

However, if the tenancy is not handed back and no-one applies for succession, your housing provider may commence action to terminate the tenancy through the Consumer Trader and Tenancy Tribunal. If this happens, you may be left owing money and have problems getting social housing assistance in the future.

Q2. What about my phone, electricity and other utilities?

If you decide to give up your social housing property, it is your responsibility to pay any charges and bills such as phone, water, electricity, or gas. You should arrange to have these services disconnected as soon as possible. See your Welfare Officer/SAPO for assistance.

Your housing provider can not help you to pay any of these utilities, it is your responsibility to pay any debts.

If you have difficulty paying your phone, electricity and other utilities in the first instance, contact the relevant agency for assistance. If you need further advice, you may contact the Energy and Water Ombudsman NSW (EWON) on 1800 246 545. See your Welfare Officer/SAPO for assistance.

Q3. Can my children live in my home while I am in prison?

If you go to prison and your children are less than 18 years old, you need to appoint an agent to stay at the property and look after your children and the property. The agent must be over 18 years old, and could be another household member or a family member or friend.

If you go to prison and any of your children are over 18 years old, you can appoint one of your children as an agent if he/she was living with you before you went to prison. Your housing provider will adjust the rent based on the new household income.

Whatever you decide, you must let your housing provider, as well as other relevant agencies know that you are in prison, and that you want to appoint someone as your agent.

Q4. What if I cannot go back home because of domestic violence?

There are several options if going home exposes you to domestic violence:

- if the property is in your name, you can apply for a priority transfer; or
- if the property is in the name of the person who has abused you or your children, and you have a specific need to stay in that property, the abuser may be offered alternative accommodation; or
- if you are a former tenant and you left home due to domestic violence, you may be eligible for a new tenancy, if you re-apply within six months of leaving your home.

Contact your local housing provider, or see your Welfare Officer/SAPO for more information about housing options.

If you are a victim of domestic violence, you must provide documentation when applying for social housing assistance on grounds of domestic violence. Some of the supporting documentation could include:

- a current Domestic Violence Order or Apprehended Violence Order
- a medical report or medical assessment form, or
- a letter from any one of the following:
 - Police
 - solicitor
 - refuge
 - social worker
 - psychologist
 - counsellor or Community Services.

Q5. What happens if I leave my property and I stop paying rent?

- rent will continue to be charged at the existing rate
- you may owe money to the housing provider, which may stop you getting another property in the future
- occupants may move in illegally, annoying the neighbours, damaging the property, and/or stealing or damaging your possessions (you will then have to pay for all repairs for any damage that may have occurred)
- if you do not tell the housing provider that you are in prison, they will apply to the Consumer Trader and Tenancy Tribunal (CTTT) to have your tenancy stopped. You may contact the CTTT on 1300 135 399 or The Tenants Union Hotline on 8117 3700 for assistance
- if you leave any belongings behind and you have not notified the housing provider that you are in prison, they may decide to remove them. You will have to pay for any removal costs and may risk losing your belongings.

Q6. What happens if my tenancy gets stopped by the Consumer Trader and Tenancy Tribunal (CTTT)?

If your tenancy is stopped, this will be recorded against you as a tenant and will make it harder for you to get a place in social housing in the future.

Section 3: I used to live in public housing

This section refers to previous tenants of Housing NSW (Department of Housing) and Aboriginal Housing Office tenancies.

Q1. Can I get another social housing property, if I have lived in public housing before?

You may be eligible to apply if you:

- meet the eligibility criteria in Q2 of Section 1
- can show you are able to pay the rent, look after your place, live independently (with or without support), and
- were a former tenant with a satisfactory record. (See tenancy categories below)

If you are in prison, see your Welfare Officer/SAPO for assistance.

Q2. What are the different kinds of tenancy categories?

Satisfactory, if you:

- didn't break your Tenancy Agreement
- owe less than \$500, and/or
- are paying this debt off at an agreed rate.

Less than Satisfactory, if you:

- decided to leave and owed more than \$500 in rent
- abandoned your place
- left your place in a poor condition, and/or
- complaints were received from the neighbours.

Unsatisfactory, if you:

- were evicted
- had major nuisance and annoyance complaints against you, and/or
- had a history of a poor tenancy with Housing NSW.

Ineligible, if you:

had a record of extreme breaches such as,

- illegal activities in your home
- acts of arson, or
- threatened or attacked Housing NSW staff or your neighbours.

Q3. Can I pay back money I owe to Housing NSW while I am in prison?

Yes you can.

It doesn't matter if your debt is not fully paid before you are released from prison. However, if you are released and apply for social housing, you will need to start/continue paying your debt.

You will need to continue paying your debt until it is paid off, as well as rental charges on your new property.

If you have shown good faith by trying to pay up a past debt with Housing NSW, it will be in your favour when you want to apply for a tenancy.

You will need to fill out an Acknowledgment and Agreement to Repay Debt form that says you agree there is a debt, how much that debt is, and how much you are able and willing to pay.

If you are in prison, see your Welfare Officer/SAPO to get you the form.

Section 4 What if I am homeless or want to rent privately?

Q1. What if I am homeless?

You need to contact the Homeless Persons Information Centre (HPIC) on 1800 234566 or 9265 9087, 9.00am-1.00pm, and 2.00pm-10.00pm any day. This is a free service which helps people to find a place to stay. You can contact the HPIC from your local housing provider's office.

Q2. What is Temporary Accommodation (TA)?

Temporary Accommodation is available on a short-term basis in lower-cost places such as boarding houses, refuges and motels. Housing NSW makes a payment directly to the landlord on your behalf.

Each Temporary Assistance offer will depend on what you need and what is available at the time. You may get a bed for few nights if you:

- are going to be homeless
- can't find anywhere to go; or
- are waiting for a priority housing offer.

Temporary Accommodation can be given for up to four weeks in a 12-month period.

If you get into trouble in Temporary Accommodation (e.g. damage property or behave badly) you may not get this type of assistance again.

Even if you have been a tenant with a social housing provider and had past problems, you may still be able to get some help if you are going to be homeless.

To apply for Temporary Accommodation you need to go to any social housing provider's office as soon as possible.

Q3. What if I suddenly need a bed for the night or if I am released from prison over a weekend/holiday period?

You can call:

- The Homeless Persons Information Centre (HPIC) on 1800 234566 or 9265 9087, which is open 9.00am-1.00pm, and 2.00pm-10.00pm every day. This is a free service which helps people to find a place to stay. You can contact HPIC from your local housing provider's office.
- Housing NSW's Temporary Accommodation After Hours Line on 1800 152 152 which is open from 4.30pm-10.00pm Monday-Friday, and 10.00am-10.00pm on weekends and public holidays. This service is for people who are in urgent need of a bed for the night.
- The Community Restorative Centre (CRC) on 9288 8700 which is open from 9am-5pm Monday - Friday (closed for lunch between 12.30-1.30). The CRC can give advice on housing ideas and general support for people leaving prison or on community orders.

Q4. What about help in getting a private rental?

Housing NSW offers Rentstart assistance for people who want to rent privately. The type and level of assistance will depend on your circumstances.

Rentstart is financial assistance to help clients establish or sustain a tenancy in the private rental market. To be eligible for Rentstart you:

- have to be eligible for social housing
- have less than \$1,000 in savings
- must be able to take on the tenancy and stay for at least 12 months.

Your new rent must be affordable for you, which means it can't be more than 50% of your income.

You can usually only get Rentstart once a year. The money is paid straight to the Real Estate agent and can also be used for boarding houses.

When applying for Rentstart, you need to provide the following documents:

- identification papers (e.g. birth certificate, drivers licence etc)
- current Centrelink Income Statement
- bank statement covering the last four weeks, and

- provide your Corrective Services NSW Discharge Certificate (for newly released prisoners).

Rentstart by phone is provided by the Housing Contact Centre (HCC). This is for Bond and Advance Rent only. Call the Housing Contact Centre on 1300 HOUSING (1300 468 746). Rentstart services are also available at your local housing provider office.

Q5. Who can help me to find my own place to rent privately?

Each Housing NSW office should be able to give you a list of local properties for rent and the details of the local real estate agents.

Housing NSW offices will not find you a private rental place, but will run through the steps and financial details with you.

Housing NSW offices may also have a noticeboard with homes advertised by local real estate agents. There are different accommodation options in the private rental market. You can choose the one that suits your household make up and budget.

Housing NSW offices can give you a list of charitable organisations that may give you furniture if you don't have any. Just let Housing NSW staff know that you need this assistance.

Some Housing NSW offices have a **Private Rental Brokerage Service**.

What is the Private Rental Brokerage Service?

This service assists people with disabilities, drug or alcohol issues or other complex needs to find and sustain accommodation in the private rental market.

The Private Rental Brokerage Specialist at Housing NSW can:

- work with you and support providers to plan how you can live independently in private rental housing
- speak with agents or landlords to help find you a suitable private rental housing
- address problems with previous tenancies
- help when something goes wrong which might affect your tenancy, and
- work with other agencies to provide services.

Where is the service available and how do I apply?

The Private Rental Brokerage Service is currently available from some Housing NSW offices.

You and support agencies can contact the local Housing NSW office to make an appointment with the Private Rental Brokerage Specialist for assistance.

Q6. If I am living in private rental accommodation and I go to prison, will I lose my bond?

Keeping your rental bond will depend on the following:

- **Fixed-term Tenancy Agreement** - if you go to prison before your tenancy agreement expires, you may lose your bond because you are ending the agreement earlier than expected.
- **Rental arrears and property damage** - if your rental account is in arrears or you have damaged the private rental property, the real estate agent may decide to keep the rental bond to cover some of the rental loss or property damage. The real estate agent may take this matter to the Consumer Trader and Tenancy Tribunal for a decision.
- **Assistance for rental bond** - if Housing NSW provided your rental bond and you go to prison, the bond may be refunded to Housing NSW through the Rental Bond Board. You can not be refunded a rental bond that Housing NSW has paid for you.

If you paid the rental bond with your own money, your tenancy was satisfactory, and you are not bound by a fixed-term tenancy agreement, you can negotiate with the real estate agent to have the bond refunded to you. All negotiations about the rental bond need to be with your real estate agent.

Contact the **Tenants' Union Hotline on 1800 251 101** for more information.

Q7. Can I appeal a social housing decision?

Yes. You can ask for a decision to be reviewed, if you believe that:

- not enough consideration has been given to your individual circumstances

- the decision is against a social housing policy, or involved a poor interpretation of the policy, or
- the procedures used to reach the decision were incorrect.

The review will:

- re-assess the application, and
- decide whether the policies and procedures have been applied correctly and fairly.

There are two levels of review. The first level of review is an internal review carried out by a person more senior than the one who made the original decision.

The second level of review is an independent review by the Housing Appeals Committee. Other decisions can be resolved at the Consumer Trader and Tenancy Tribunal.

If you are in prison, you can ask your Welfare Officer/SAPO to ring the housing provider to enquire about the appeals process.

Q8. How do I contact a social housing provider?

If you are in prison:

- you can call Housing NSW yourself on 1300 468 746 (24 hours, 7 days per week) or
- you can ask your Welfare Officer/SAPO to ring the housing provider, or
- you may be able to make a free call on the Offender Telephone System (OTS) to the housing provider.

If you are in the community you can call Housing NSW yourself on 1300 468 746 (24 hours, 7 days per week).

For the hearing impaired, telephone TTY – 1800 628 310

If an interpreter is required, telephone the Telephone Translating and Interpreting Service (TIS) on 131 450. This is a 24 hour, 7 day a week, telephone interpreting service. There is no cost to the caller for this service.



This booklet has been produced as a joint initiative with
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