

Appeals and reviewing community housing provider decisions

Fact sheet for community housing tenants and applicants

December 2017



What is changing?

The **Department of Family and Community Services** is transferring the management of around 14,000 social housing properties in parts of Hunter, New England, Shoalhaven, Mid North Coast regions and North Sydney to community housing providers.



How does this affect me?

After the transfer process is complete the community housing provider will become responsible for all tenancy management issues and applications for social housing in that location. You will need to contact your community housing provider for all tenancy and application matters, inquiries or complaints.

Appeals and reviewing community housing provider decisions

Many decisions made by community housing providers can be reviewed and appealed upon request by a client. A review is a formal process that checks whether the community housing provider has made the right decision on a matter that is their responsibility.



What decisions can I appeal?

You can appeal decisions made by community housing providers, including decisions about eligibility for community housing, offers of housing and rental subsidy calculations. For a full list of community housing provider decisions that are both appealable and non-appealable, visit the Housing Appeals Committee website at www.hac.nsw.gov.au



What if I don't agree with a decision?

Once the management of your tenancy has been transferred to a community housing provider, if you disagree with decisions they may make, you should contact your provider and speak to the person who made the decision.

If you are not satisfied with the response, you can request for the decision to be reviewed by:

- Contacting your local community housing provider in person, in writing, by telephone or by completing an online complaint form.
- Writing to the Chief Executive Officer or the Board of your community housing provider.
- Lodging an application with the Housing Appeals Committee.
- Lodging an application with the NSW Civil and Administrative Tribunal for maintenance and lease issues.



Who can ask for an appeal?

Appeals can be requested by the person/s affected by the decision or a guardian or advocate acting on their behalf.



Is there a timeframe to ask for a review?

Yes. You will need to check the timeframes with your local community housing provider as their policies vary. If you are lodging an application with the NSW Civil and Administrative Tribunal, you will need to check the timeframes for lodgement by visiting www.ncat.nsw.gov.au/



How long will the review take?

The review undertaken by the community housing provider will be processed in the timeframe set out in their own policy. You will need to check the timeframes with your local community housing provider as their policies vary.

The Housing Appeals Committee generally takes between six and eight weeks to complete a review.

For more information about NSW Civil and Administrative Tribunal processing timeframes, visit www.ncat.nsw.gov.au/



How does the community housing provider appeal process work?

A community housing officer, who did not make the original decision, will review the original decision that was made by the community housing provider and make a recommendation. The review will check that:

- procedural fairness was adhered to
- the policy was interpreted correctly and fairly when making the decision
- all circumstances and relevant information were fairly and properly considered
- any new and relevant information is considered.



Housing Appeals Committee

The Housing Appeals Committee is an independent body that deals with appeals about Family and Community Services and community housing provider decisions in NSW. The Housing Appeals Committee will review the application and provide a recommendation to the social housing provider. The Housing Appeals Committee website provides more detailed information, visit www.hac.nsw.gov.au

NSW Civil and Administrative Tribunal

NSW Civil and Administrative Tribunal is an independent body where tenants can refer matters relating to the terms of their Residential Tenancy Agreement if you believe that the provider has not acted within the terms of the agreement. The NSW Civil and Administrative Tribunal website provides more detailed information, visit www.ncat.nsw.gov.au

Who can I talk to about appealing a decision?

If you have any questions about appealing a decision, or want to talk to someone, you can contact your community housing provider. To find your local community housing provider visit www.facs.nsw.gov.au/reforms/social-housing/management-transfer-program

