

**NSW AFFORDABLE HOUSING**

2018- 19

**MINISTERIAL GUIDELINES 2018-19**

**Table of contents**

1. Introduction

2. Application of guidelines

2.1 Properties covered by these Guidelines

2.2 Using the Guidelines to formulate policy

2.3 Using the guidelines as best practice

3. Definition of key terms

4. Difference between affordable and social housing

5. Relevant legislation

5.1 Community Housing Providers National Law

5.2Housing Act 2001(NSW)

5.3 Residential Tenancies Act 2010

**Tenancy management**

6. Applications

7. Eligibility

7.1 General criteria

7.2 Income

7.3 Housing need

7.4 Assets

7.5 Other criteria

8. Allocations

8.1 General

8.2 Priority groups for affordable housing

8.3 Selecting social housing eligible households

9. Setting rent

9.1 Ensure affordable outcomes

9.2 Maximise Commonwealth Rent Assistance and seek GST free status

9.3 Ensure financial viability

10. Rent review

11. Tenure

12. Ongoing eligibility

13. Eligibility assessments

13.1 Conducting eligibility assessments

13.2 Where an eligibility assessment finds a tenant is no longer eligible

13.3 Tenants right to request a review of a decision to terminate a lease

14. Terminating a tenancy for other reasons

15. Right of appeal

# Portfolio management

16. Financial management

17. Developing or acquiring affordable housing

18. Trading affordable housing assets

19. Reporting

20. Evaluation

# Appendix

Table 1 - Median household income levels by income band

Table 2 - Household income bands by household size

Table 3 - Household income band by household size

# Link to NRAS Income Eligibility Limits1. INTRODUCTION

The *NSW Affordable Housing Ministerial Guidelines* set out the policy framework for delivering affordable housing that has been developed with financial assistance from the NSW Government and is owned or managed by registered community housing providers.

These Guidelines aim to ensure that affordable housing in NSW is delivered:

* to a range of income groups, including very low, low and moderate income households. (NSW Government is seeking to increasingly benefit low and very low income households as they are vulnerable to housing stress. Low income households have less capacity to meet other costs such as transport, health and education after paying rent).
* in a manner that generates sufficient income so that community housing providers can meet associated finance and other operating costs.

A secondary aim of the Guidelines is to ensure that retained earnings and assets from managing affordable housing are used by community housing providers to grow more affordable housing supply, wherever possible.

The NSW Affordable Housing Ministerial Guidelines are endorsed by the Minister for Family and Community Services.

# 2. APPLICATION OF GUIDELINES

**2.1 Properties covered by these Guidelines**

The NSW Affordable Housing Ministerial Guidelines apply to all designated affordable housing properties in a registered community housing provider’s portfolio which receives capital funding from the NSW Government and/or were acquired using finance secured against government-funded assets. This includes affordable housing properties funded through:

* Debt Equity Rounds 1 and 2
* Affordable Housing Innovations Fund
* Social Housing Growth Fund
* National Rental Affordability Scheme A (NRAS A)[[1]](#footnote-1)
* Social and Affordable Housing Fund
* Communities Plus
* Borrowing against vested assets.

NSW Government funding contracts will usually confirm the application of these Guidelines. Where funding contract requirements differ to the requirements of the Guidelines, contract requirements prevail to the extent of the difference.

**2.2 Using the Guidelines to formulate policy**

It is expected that each registered community housing provider will use these Guidelines to inform its own policy for delivering affordable housing, which addresses applications; eligibility; allocations; rent setting and review; tenure; ongoing eligibility; eligibility review; and right of appeal.:

Providers may need to include variations in their policy to allow for variations in funding program requirements.

Each community housing provider delivering affordable housing is to make this policy, or series of policies, publicly available.

**2.3 Using the Guidelines as best practice**

To promote a consistent approach to managing affordable housing in NSW, it is recommended that registered community housing providers also use these Guidelines when managing affordable housing properties developed under the *State Environmental Planning Policy (Affordable Rental Housing)* *2009*.

They could also be used when managing properties funded under NRAS B.

# 3. DEFINITION OF KEY TERMS

In these Guidelines:

* **Affordable housing** is housing that is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs, such as food, clothing, transport, medical care and education[[2]](#footnote-2). As a rule of thumb, housing is usually considered affordable if it costs less than 30% of gross household income.[[3]](#footnote-3)
* **Very low, low and moderate income households** defined as[[4]](#footnote-4):
  + a **very low income** household earns less than 50% of the relevant median household income for Sydney or rest of NSW, as applicable.
  + a **low income** household earns between 50% and 80% of the relevant median household income for Sydney or rest of NSW, as applicable.
  + a **moderate income** household earns between 80% and 120% of the relevant median household income for Sydney or rest of NSW, as applicable.
* **Relevant median income** – the median household income for the Sydney Statistical Division or the Balance of NSW Major Statistical Region (depending on where a household is located) as reported by the Australian Bureau of Statistics.[[5]](#footnote-5)
* **Social housing eligible** – refers to households who have been assessed as eligible for social housing.

# 4. DIFFERENCE BETWEEN AFFORDABLE AND SOCIAL HOUSING

While affordable housing has many goals that are similar to social housing, there are also some key differences, including:

* Affordable housing is open to a broader range of household incomes than social housing, so households can earn higher levels of income and still be eligible (Refer section 8 of these Guidelines);
* Applications for affordable housing properties are made to, and assessed by, the property manager. Applications for affordable housing cannot be made through Housing Pathways[[6]](#footnote-6);
* Households do not have to be eligible for social housing to apply for affordable housing, though social housing eligible households may also be eligible for affordable housing;
* Allocations policy for affordable housing is different to social housing and may prioritise different target groups;
* From time to time, community housing providers may invite eligible households on the NSW Housing Register to apply for affordable housing properties. However, this does not constitute an offer of social housing and the household can refuse this invitation, or an offer of an affordable housing tenancy, without penalty to their status on the Register (Refer section 9.3 of these Guidelines);
* If a household on the NSW Housing Register accepts a tenancy in an affordable housing property, they will be regarded as suitably housed and removed from the Register; and
* Rents for affordable housing are calculated differently to social housing and there are different tenancy arrangements.

**5. RELEVANT LEGISLATION**

**5.1 Community Housing Providers National Law**

The Community Housing Providers National Law (the National Law) is an Appendix to the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW). It is the legislative basis for the National Regulatory System for Community Housing.

The National Law prescribes the National Regulatory Code which sets out the requirements that registered community housing providers must meet when operating and providing community housing. These requirements also apply to the way providers deliver affordable housing.

**5.2Housing Act 2001(NSW)**

The Housing Act 2001 (NSW) and *Housing Regulation 2009* provide the legislative framework for the registration of community housing providers under the NSW Regulatory System.

The *Housing Regulation 2009* prescribes the Regulatory Code which sets out the requirements that registered community housing providers must meet when operating and providing community housing in NSW. These requirements also apply to the way providers deliver affordable housing..

**5.3 Residential Tenancies Act 2010**

Community housing providers and tenants of affordable housing properties will enter into residential tenancy agreements and must comply with the requirements of the *NSW Residential Tenancies Act 2010*.

The *Residential Tenancies Act 2010* includes provisions which specifically cover social housing tenancies (Part 7). Under the Act, all tenancies in which a social housing provider (including registered community housing providers) is the landlord are considered social housing tenancies. This includes tenancy agreements for affordable housing properties where the community housing provider is the landlord.

Where a community housing provider is managing an affordable housing property on behalf of another landlord through a management agreement, for example, tenancies will only be considered social housing tenancies if the other landlord is a registered community housing provider.

# Tenancy management

# 6. APPLICATIONS

Applications for affordable housing are made directly to the community housing provider managing the property.

Applicants cannot apply through Housing Pathways. An application through Housing Pathways is not an application for affordable housing.

Affordable housing applications can be accepted from people who are also listed on the NSW Housing Register.

# 7. ELIGIBILITY

To be assessed as eligible for affordable housing, applicants must meet the following criteria:

## 7.1 General criteria

Affordable housing applicants must:

* Establish their identity
* Be a resident in New South Wales (NSW)

Be a citizen or have permanent residency in Australia

* Be able to sustain a successful tenancy, without support or with appropriate support in place
* If applicable, make repayments of any former debts to a social housing provider
* In general, be 18 years of age or older.

## 7.2 Income

Maximum income eligibility limits which apply under these Guidelines are derived from the relevant median income figures for Sydney and for NSW as a whole and are set at the top of the moderate income band level. (Note: The maximum income limits which apply to NRAS-funded properties are based on national median figures, so they are different.)

Income eligibility limits vary according to household size, with the maximum limit increasing with each additional person in a household.

The maximum income limits for eligibility into properties covered by these Guidelines are set out in Tables 2 and 3 of the Appendix. There is no minimum income eligibility limit.

The maximum income limits for properties funded under NRAS are set out in   
Table 4 of the Appendix.

Definitions of assessable income are set out in the *Community Housing Rent Policy at:* <https://www.facs.nsw.gov.au/housing/community-housing-policies/rent> Income limits are reviewed annually to reflect consumer price index (CPI) adjustments to social security pensions and benefits or movements in average weekly earnings7 as applicable and updates will be published in these Guidelines annually.

## 7.3 Housing need

Applicants must be in housing need and unable to resolve this need in the medium to long term without assistance. Factors demonstrating need may include currently living in unaffordable and/or unsuitable housing or needing to relocate for employment or family reasons.

## 7.4 Assets

Applicants should not have assets or property which could reasonably be expected to solve their housing situation[[7]](#footnote-7).

## 7.5 Other criteria

These Guidelines recognise that, from time to time, additional eligibility criteria may be applied to some affordable housing properties, such as a connection to the local area.

Any additional eligibility criteria must be included in eligibility policy, including a brief statement of why there is a variation in criteria for some properties. For example, affordable housing properties managed for Waverley Council are targeted to households who live or work in the area, so this is included as one of the eligibility criteria for these properties.

# 8. ALLOCATIONS

**8.1 General**

Affordable housing should be allocated to a mix of very low, low and moderate income households. To assist providers in allocating across income bands, the maximum income limits defining each band for different household configurations are set out in Table 3 of the Appendix.

From time to time, allocations may be targeted to a specific population group such as in a housing development for aged households. Where possible, providers should still try to achieve a mix of income bands when allocating within this population.

When making an allocation, a community housing provider should aim to balance the needs of households in housing stress with the requirement to generate sufficient income to meet finance and other operating costs.

**8.2 Target groups for affordable housing**

Generally, community housing providers are to give preference to the following groups:

* households in housing stress[[8]](#footnote-8) whose housing need cannot be met in the short to medium term or
* households with the potential to transition into home ownership in the medium term or
* social housing applicants and tenants, including those exiting social housing, seeking another choice of housing which may be more suited to their needs.

**8.3 Selecting social housing eligible households**

Where a Housing Pathways community housing provider is seeking or is required to house a social housing eligible household[[9]](#footnote-9) in an affordable housing property, they are to invite households from the NSW Housing Register to apply, wherever possible.

Community housing providers can match clients according to their own matching policies and can filter the NSW Housing Register to identify appropriate households. However, only households which have expressed interest in living in community housing as one of their options may be contacted about affordable housing.

An invitation to a household on the NSW Housing Register to apply for an affordable housing property does not constitute an offer of social housing. The household receiving this invitation can refuse to apply without changing the status of their social housing application.

Similarly, a household on the NSW Housing Register can apply for an affordable housing property, without impacting their position on the Register.

However, if a household on the NSW Housing Register accepts an offer of a tenancy in an affordable housing property, they will be regarded as suitably housed and will be removed from the NSW Housing Register. If, at some time in the future, they needed social housing again, they would have to reapply[[10]](#footnote-10).

In making an offer of affordable housing to households on the NSW Housing Register, community housing providers must clearly communicate to the person the differences between affordable housing and social housing. They must also let the person know that, if they accept the offer of affordable housing, they will be regarded as suitably housed and removed from the Register.

# 9. SETTING RENT

Affordable housingis to be let at a discount to market rent which takes account of household income and capacity to pay[[11]](#footnote-11).

Community housing providers may select different approaches to setting the rent for affordable housing including income-based rents, relating rents to the average income level of a target group or rent levels which are a discount to the local market rent.

Regardless of approach, rent setting policy must aim to:

**9.1 Ensure affordable outcomes**

Households on very low and low incomes should not pay more than 25-30% of their gross income in rent.[[12]](#footnote-12)

Greater flexibility in pricing may be applied to moderate income households but, in all cases, the relevant circumstances of the applicant household[[13]](#footnote-13) and their capacity to pay will be guiding principles.

## 9.2 Maximise Commonwealth Rent Assistance and seek GST free status

Wherever possible, rent levels should be set to maximise Commonwealth Rent Assistance (CRA) *and* take advantage of the Australian Taxation Office (ATO) rulings on GST supply[[14]](#footnote-14).

The ATO has ruled that the non-commercial supply of accommodation by charities will not attract GST if the rent is less than 75% of market rent. The ATO has set benchmark market rents for NSW as a whole, which is what it uses to determine GST status. These figures are updated annually, so providers will need to check with the ATO regularly.

The rents at which Commonwealth Rent Assistance is maximized are outlined at: [www.humanservices.gov.au/customer/enablers/centrelink/rent-assistance/payment-rates](http://www.humanservices.gov.au/customer/enablers/centrelink/rent-assistance/payment-rates)

In most locations, rent charged by community housing providers at 74.9% of market rent, or below, will maximise CRA and achieve GST free tax status[[15]](#footnote-15).

## 9.3 Ensure financial viability

Rent revenue should be sufficient to cover the costs of the affordable housing portfolio, inclusive of debt repayments. (While revenue should be adequate to cover costs, rent setting should be in accordance with section 9.1 to ensure that properties remain affordable for tenants).

# 10. RENT REVIEW

Pricing may be adjusted in line with market trends, subject to rent levels meeting affordability requirements set out in 10.1.

The process for implementing rent increases must be consistent with the *Residential Tenancies Act* *2010* and, where relevant, with the Australian Government’s NRAS Policy Guidelines. Where the Australian Government’s NRAS Guidelines differ from these Guidelines, for example, in rent review frequency, the Australian Government’s NRAS Guidelines prevail to the extent of the difference.

# 11. TENURE

Affordable housing can be provided for a fixed term[[16]](#footnote-16) or on a continuous basis.

Leases may be renewed or continued indefinitely provided the tenant remains eligible and eligibility reviews are held on a regular basis.

These Guidelines set no limit on length of time a household can remain in an affordable housing property if they remain eligible. They do recognise that, from time to time and to achieve a particular objective and notwithstanding ongoing eligibility, providers may set a limit on how long one household can remain in affordable housing, for example, three years or five years. Where this occurs, providers must clearly communicate the time period and the objective to prospective tenants before a Tenancy Agreement is signed.

# 12. ONGOING ELIGIBILITY

To remain in affordable housing, households must continue to meet all criteria outlined in section 8 of these Guidelines, except income. That is, households still need to meet general eligibility criteria, demonstrate an ongoing housing need and not have assets which could reasonably be expected to meet their housing need.

The exception is income, where existing tenants are permitted to earn up to 25% above the maximum eligibility income for moderate income before they become ineligible. This aligns with NRAS ongoing eligibility criteria for existing tenants.

Ongoing eligibility maximum income limits for tenants of affordable housing are outlined in Table 5 of the Appendix.

# 13. ELIGIBILITY ASSESSMENTS

## 13.1 Conducting eligibility assessments

A review of eligibility must be conducted regularly. This review can be conducted as part of a rent review or as part of an NRAS review, if a property is NRAS-funded.

Where a tenant has signed a fixed-term tenancy agreement and the community housing provider is the landlord, section 144 (6) of the *Residential Tenancies Act 2010* states that an eligibility assessment may not be carried out earlier than six months before the end of the fixed term.

Eligibility assessments must ensure the tenant remains eligible according to the criteria in section 13 of these Guidelines.[[17]](#footnote-17)

Leases for affordable housing may be renewed for a further term, or continued, as long as the tenant remains eligible.

**13.2 Where an assessment finds a tenant is no longer eligible**

Where a tenant is found not to be eligible after a review of eligibility, the community housing provider should assist the tenant to assess alternative housing options.

Community housing providers can use Section 143 of the *Residential Tenancies Act 2010* to terminate the tenancy, as long as they are the landlord on the tenancy agreement. This provision allows a community housing provider landlord to terminate a social housing tenancy on the grounds that the tenant is no longer eligible to reside in the class of social housing to which the agreement applies[[18]](#footnote-18).

A tenant can be given up to twelve months to move to alternative accommodation, depending on their circumstances.

**13.3 Tenants’ right to request a review of a decision to terminate on grounds of eligibility**

Before giving a tenant a termination notice on grounds that they are no longer eligible (using Section 143), the community housing provider must notify the tenant in writing of its intention.

Under Section 145 of the *Residential Tenancies Act 2010*, tenants have the right to apply to the landlord for a review of this decision*.*

Where a tenant applies for a review, a landlord must review the decision against ongoing eligibility criteria and consider any representations made by the tenant before making a final decision.

# 14. TERMINATING A TENANCY FOR OTHER REASONS

Under Section 148 of the *Residential Tenancies Act 2010,* a community housing provider landlord can terminate a social housing tenancy if they have offered the tenant a tenancy agreement for an alternative property to the one in which they currently reside but the tenant has failed to accept, or rejected, the offer.

Under Section 149 of the *Residential Tenancies Act 2010*, the tenant has the right to apply to the landlord for a review of this decision*.*

# 15. RIGHT OF APPEAL

Community housing providers must have an appropriate process in place to manage appeals from applicants and tenants in relation to decisions about their eligibility, housing allocation or a proposed housing allocation or rent setting. This must include a process to advise applicants and tenants about their right to appeal, what can be appealed and how to lodge an appeal.

Those community housing providers that are subject to independent reviews of their eligibility, allocation, or rent-setting determination appeals by the Housing Appeals Committee, must advise tenants of their right to request an independent review.

# Portfolio management

# 16. FINANCIAL MANAGEMENT

All public funds provided to achieve affordable housing supply will be directed to the procurement costs of affordable housing supply, including feasibility costs.

Affordable housing supply will make best use of government investment through using for example, partner contributions of land, fee concessions, and tax and planning benefits.

Affordable housing supply will also make best use of assets by borrowing against them to deliver more housing.

Rent and allocations policy needs to achieve a balance between meeting housing need across the range of income bands and the sustainable operation of the affordable housing portfolio, including meeting the cost of private finance.

Retained earnings from the operation of affordable housing programs will be reinvested in affordable housing supply. Retained earnings are funds that are in excess of all operational costs and provision for contingent risks.

# 17. DEVELOPING OR ACQUIRING AFFORDABLE HOUSING

Affordable housing acquired through affordable housing programs must be well located, meet a range of household needs and meet environmental/energy efficient standards.

**18. TRADING AFFORDABLE HOUSING ASSETS**

Community housing providers may dispose of their affordable housing stock to better meet demand, realise capital growth or redevelop to a higher density. The net proceeds of sales are to be reinvested in affordable housing supply and there is to be no net loss of housing units in NSW, following reinvestment.

Where the NSW Government has a direct interest in the properties, community housing providers must adhere to the conditions of interest placed on such properties.

If tenants are to be relocated because of the sale of affordable housing, the costs of re-housing these tenants will be met by the community housing provider.

# 19. REPORTING

Reporting requirements will be set out in the community housing agreement between the Department of Family and Community Services and the provider. Specific reporting requirements may be set out for particular affordable housing programs.

# 20. EVALUATION

Community housing providers will be expected to fully participate in independent evaluations of affordable housing programs initiated by the NSW Government from time to time.

Community housing providers are also encouraged to evaluate a selection of their own affordable housing projects.

# APPENDIX – HOUSEHOLD MEDIAN INCOMES 2018-19

The following tables are to be used by tenancy managers to determine income eligibility of individuals and households. Where dwellings receive Government financial assistance under the National Rental Affordability Scheme, the eligibility of tenants will be determined against the set income limits applied by the Australian Government’s Department of Social Services (DSS). The link to the NRAS income limits for households is below TABLE 3.

**TABLE 1: MEDIAN HOUSEHOLD INCOME LEVELS BY INCOME BAND**

|  |  |  |  |
| --- | --- | --- | --- |
| **INCOME BANDS** | **% OF MEDIAN INCOME** | **ANNUAL INCOME RANGE (SYDNEY[[19]](#footnote-19))  2018-19** | **ANNUAL INCOME RANGE  (REMAINDER OF NSW[[20]](#footnote-20))  2018-19** |
| Very Low | 50% median | $46,700 | $39,700 |
| Low | 50% - 80% median | $74,700 | $63,500 |
| Moderate | 80% - 120% median | $112,100 | $95,200 |

**CALCULATING HOUSEHOLD INCOME BANDS BY HOUSEHOLD SIZE**

To determine the Income Band by Household Size, take the following steps:

**Step 1:** Add up the number of adults (18 years old or over) in the household.

**Step 2:** Add up the number of children (under 18 years old) in the household.

**Step 3**: For each adult and child add up the income allowance using the figures in Table 2.

Examples of Income Bands by Household Size are provided below in Tables 3A and 3B.

**TABLE 2: HOUSEHOLD INCOME BANDS BY HOUSEHOLD SIZE**

|  |  |  |  |
| --- | --- | --- | --- |
| **Household members** | **Gross annual household income** | | |
| **Very low** | **Low** | **Moderate** |
| **Sydney** | | | |
| Single adult | $26,800 | $42,800 | $64,200 |
| Each additional adult (18 years or over) | Add $13,400 to the income limit | Add $21,400 to the income limit | Add $32,100 to the income limit |
| Each additional child (under 18 years) | Add $8,000 | Add $12,800 | Add $19,300 |
| **New South Wales** | | | |
| Single adult | $23,800 | $38,000 | $57,100 |
| Each additional adult (18 years or over) | Add $11,900 to the income limit | Add $19,000 to the income limit | Add $28,600 to the income limit |
| Each additional child (under 18 years) | Add $7,100 | Add $11,400 | Add $17,100 |

**TABLE 3\*: HOUSEHOLD INCOME BANDS BY HOUSEHOLD SIZE**

For convenience, the information in Table 2 has been extrapolated to provide a quick reference guide to maximum income levels for a range of different household sizes and combinations. Table 3A is for households in the Sydney statistical district (as defined by ABS) while Table 3B is for the rest of NSW.

**A: SYDNEY REGION**

|  |  |  |  |
| --- | --- | --- | --- |
| **Household Type** | **Very Low** | **Low** | **Moderate** |
| **Single** | $26,800 | $42,800 | $64,200 |
| **Single + 1** | $34,800 | $55,600 | $83,500 |
| **Single + 2** | $42,800 | $68,400 | $102,800 |
| **Single + 3** | $50,800 | $81,200 | $122,100 |
| **Single + 4** | $58,800 | $94,000 | $141,400 |
| **Couple** | $40,200 | $64,200 | $96,300 |
| **Couple + 1** | $48,200 | $77,000 | $115,600 |
| **Couple + 2** | $56,200 | $89,800 | $134,900 |
| **Couple + 3** | $64,200 | $102,600 | $154,200 |
| **Couple + 4** | $72,200 | $115,400 | $173,500 |

**B: REMAINDER OF NEW SOUTH WALES**

|  |  |  |  |
| --- | --- | --- | --- |
| **Household Type** | **Very Low** | **Low** | **Moderate** |
| **Single** | $23,800 | $38,000 | $57,100 |
| **Single + 1** | $30,900 | $49,400 | $74,200 |
| **Single + 2** | $38,000 | $60,800 | $91,300 |
| **Single + 3** | $45,100 | $72,200 | $108,400 |
| **Single + 4** | $52,200 | $83,600 | $125,500 |
| **Couple** | $35,700 | $57,000 | $85,700 |
| **Couple + 1** | $42,800 | $68,400 | $102,800 |
| **Couple + 2** | $49,900 | $79,800 | $119,900 |
| **Couple + 3** | $57,000 | $91,200 | $137,000 |
| **Couple + 4** | $64,100 | $102,600 | $154,100 |

**NRAS**

**Maximum income eligibility limits for National Rental Affordability Scheme (NRAS) properties**

Household income limits are indexed annually on 1 May in accordance with the NRAS tenant income index. Eligible tenants' income must be equal to or less than the initial income limit when they become a tenant of an NRAS dwelling. The income limits and more information about NRAS can be found on the DSS website at: <https://www.dss.gov.au/our-responsibilities/housing-support/programmes-services/national-rental-affordability-scheme>

**Ongoing eligibility maximum income limits for tenants of affordable housing**

Affordable housing tenants are able to earn 25% over the maximum access income limit and still remain eligible. Ongoing eligibility maximum income limits for NRAS properties, can be located on DSS’ NRAS website:

<https://www.dss.gov.au/our-responsibilities/housing-support/programs-services/national-rental-affordability-scheme/national-rental-affordability-scheme-nras-household-income-indexation>

**SIGNED**



\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Pru Goward MP

**Minister for Family and Community Services**

**Minister for Social Housing**

**Minister for the Prevention of Domestic Violence and Sexual Assault**

1. Properties receiving NRAS A funding must comply with both the Australian Government NRAS Guidelines *and* the NSW Affordable Housing Ministerial Guidelines. Where the Australian Government NRAS Guidelines differ from these Guidelines, for example in maximum income limits, the Australian Government NRAS Guidelines prevail to the extent of the difference. [↑](#footnote-ref-1)
2. This is a national definition agreed by Australian housing, planning and local government ministers. [↑](#footnote-ref-2)
3. While this figure provides a useful benchmark of housing affordability, the definition of affordability varies according to a household’s individual circumstances. Demands on the same gross income may differ significantly. [↑](#footnote-ref-3)
4. The definitions are in accordance with the Environmental Planning and Assessment Act 1979, the Affordable Rental Housing State Environmental Planning Policy 2009, Clause 6 (1).and State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) Clause 8. [↑](#footnote-ref-4)
5. As defined in the *Housing Regulation 2009.* [↑](#footnote-ref-5)
6. Housing Pathways is the multi-provider access system for housing assistance in NSW. It is a partnership between the FACS , including the AHO and the Housing Contact Centre, and participating community housing providers. Under Housing Pathways, all applicants eligible for social housing are listed on the NSW Housing Register. See <https://www.facs.nsw.gov.au/housing/help/applying-assistance/housing-pathways> [↑](#footnote-ref-6)
7. Average Weekly Earnings, Australia from ABS:6302.1 TABLE aaA Average Weekly Earnings, New South Wales (Dollars) - Trend

   8 As explained in the Housing Pathways Eligibility for Social Housing Policy, Section 3 [↑](#footnote-ref-7)
8. 9 Where housing stress is defined as spending over 30% of their gross household income in rent. [↑](#footnote-ref-8)
9. 10 Social housing eligible households would include households in the very low income band and may also include some households in the low income band. [↑](#footnote-ref-9)
10. 11 In this circumstance, the household’s position on the Register would be determined by the date they reapplied, not by their previous position. [↑](#footnote-ref-10)
11. 12 Where a property has NRAS funding, the discount to market rent must be at least 20%, regardless of the method used to set rent (to comply with the Commonwealth NRAS Policy Guidelines). [↑](#footnote-ref-11)
12. 13For purposes of assessing affordability, the rent to (household) income ratio will be defined as rent net of CRA over gross income net of CRA. [↑](#footnote-ref-12)
13. 14For example, relevant circumstances might include benefit to the client accessing housing closer to their work that reduces their outlays for travel. [↑](#footnote-ref-13)
14. 15Determining the extent to which the GST rule will be of benefit to community housing providers would likely take account of:

    * whether a discount of 25% or more below market rents is financially sustainable, and
    * the extent to which GST exempt status assists financial sustainability.

    [↑](#footnote-ref-14)
15. 16In some locations in Sydney, particularly the northern and eastern suburbs, market rents are higher than the ATO rulings. In these locations, a discount to market rent greater than 25% may be required to attract GST free status, though maximum CRA would continue to be available. [↑](#footnote-ref-15)
16. 17Where a tenant has a fixed term tenancy agreement, section 144 (6) of the *Residential Tenancies Act 2010* states that an eligibility assessment of a social housing tenant may not be carried out earlier than 6 months before the end of the fixed term. Providers should consider this provision when establishing the period of a fixed term lease. [↑](#footnote-ref-16)
17. 18Section 144 [1 and 2] of the Residential Tenancies Act 2010 states that eligibility assessments be conducted against criteria approved by the appropriate Minister and that these criteria can vary from the criteria used to assess initial eligibility. [↑](#footnote-ref-17)
18. 19Part 7 of the *Residential Tenancies Act 2010* defines all tenancies where the landlord in a social housing provider, including community housing providers, as social housing tenancies. [↑](#footnote-ref-18)
19. Based on the ABS Greater Capital City Statistical Area boundaries, including Central Coast LGA to the north, Blue Mountains LGA to the west and Wollondilly to the south [↑](#footnote-ref-19)
20. [↑](#footnote-ref-20)