

APPEALS POLICY



Purpose

An applicant or tenant has the right to lodge an appeal to Affordable Community Housing Limited (ACHL) if they disagree with a decision we have made that they believe may affect their application for housing, or their tenancy.

The objective of the appeals process is to ensure that:

- there is a fair mechanism for decisions to be reviewed if those decisions cannot be considered by other bodies, such as the Consumer, Trader and Tenancy Tribunal
- the correct decision has been made in each ACHL individual case under review. ACHL also views the appeals and review process as an opportunity to:
- gain feedback from tenants and applicants
- demonstrate that we are open to receiving their views and issues
- review and improve our policies and procedures where necessary.

Appealing a decision

Applicants and tenants can appeal decisions made by Affordable Community Housing including decisions about eligibility for community housing, transfer, offers of housing and rental subsidy calculations.

Applicants and tenants have a right to appeal most decisions where ACHL has applied a policy to their situation. Some matters come under the Consumer, Trader and Tenancy Tribunal (CTTT), including maintenance and lease issues.

Where possible, applicants and tenants who are not satisfied with our decisions are encouraged to first talk to the ACHL staff member who made the decision (or another staff member). If they are still not satisfied with the decision, there are two levels of appeals open to them if their issue is appealable: the first level involves an internal review by ACHL, while the second level involves an independent review by the Housing Appeals Committee.

First level appeals

First-level appeals are made in writing using the ACHL Appeals form available on the ACHL website or at any ACHL office. Tenants and applicants are encouraged to ask an ACHL staff member for advice on whether their issue can be appealed, as not all issues are eligible for review by ACHL (refer to lists below). Staff may also help the person in completing the form and give other assistance (staff who were involved in making the decision in question should not be involved in this process)

In most cases, first-level appeals are to be decided within 15 working days from the date ACHL receives a tenant's or applicant's written application for review. Exceptions to this timing may be where we are waiting on further information from the tenant or applicant, or another person or organisation. The internal review will be conducted by an ACHL staff member who was not involved in making the original decision. The recommendations of that officer will then be considered by a more senior member of staff, who will make the actual decision on the first-level appeal. The person making the appeal will be notified in writing of ACHL's decision.

In respect to applicants who are not selected, they will be advised of their right to appeal the decision through the ACHL internal appeals process. Such appeals need to be made within 31 days of the date we advise them of the outcome of their application.

Second level appeals

If a tenant or applicant believes the decision made by ACHL in the first-level review is incorrect, they can ask the Housing Appeals Committee to review the decision. The Housing Appeals Committee is an independent agency that can review decisions of Housing NSW and community housing providers.

Appeals Policy - Adopted 20th July 2010

Providing secure, affordable housing to those most in need.

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Appealable issues for ACHL applicants

1. Social housing provider eligibility

- General eligibility for or removal from a waiting list/ Housing Register
- Backdating of eligibility date
- Eligibility of people classified as unsatisfactory or ineligible former tenants

2. Housing entitlements

- Size and type of dwelling
- Modifications or special features of dwelling needed for medical reasons
- Location need entitlements

3. Priority housing eligibility

- Eligibility for priority housing
- Specific location or housing type needs

4. Succession of tenancy

- Eligibility to be granted succession of tenancy

5. Minors

- Eligibility for a minor to be granted a tenancy (under 18 years of age)

6. Offers of a property

- Whether an offer is considered "reasonable" (eg. type, location, size)
- The acceptability of reason for not accepting an offer

Appealable issues for ACHL tenants

1. Transfers

- Eligibility for a transfer
- Category of transfer approval granted
- Eligibility for priority transfer
- Location approved for a transfer
- Relocation of a tenant for management purposes
- Transfer of tenants under relocation powers

2. Rental Subsidy assessment

- Calculation of, change to, or cancellation of rental subsidy
- Water charges related to subsidy

3. Modifications to a property

- Need for modifications for disability/medical reasons only (not maintenance or upgrade issues)

4. Mutual Exchange

- Eligibility for approval to exchange

5. Absence from Dwelling

- Permission to be absent and rent calculation during absence

6. Tenure categories and tenure review

- Length of tenure granted
- End of tenure eligibility review

7. Tenant charges

- Charges at vacation of dwelling where not covered by the CTTT

8. Offers of a Property-transfer

- Whether a "reasonable" offer has been made and the offer countered for purposes of the offers policy
- Offers made to tenants under relocation powers

9. Headlease

- Relocating tenants to other social housing at the expiry of head lease

10. Joint tenancies

- Eligibility for joint tenancy
- A physical or mental health disability that a client has at any time
- Express wishes about the future provision of health services to a client
- A health service provided, or to be provided, to a client.

Issues that cannot be appealed through ACHL

- Decisions that are not directly related to the person or household
- Matters that are the responsibility of other tribunals (such as repairs and maintenance, which are the responsibility of the CTTT)
- Housing providers' policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of ACHL
- Complaints about the way a service is provided
- Programs not related to the provision of a service
- Decisions about providing more than the maximum service or benefit available under ACHL policy
- Decisions to provide services on an "out of guidelines" basis
- Decisions about home purchases assistance services.