

1. Purpose

This document defines Evolve Housing's approach to managing appeals received from applicants and residents, and determining which decisions can be appealed.

2. Scope

This policy applies to all applicants, residents or ex residents of Evolve Housing.

3. Definitions

- **Applicant** – the person who makes the formal application for housing assistance
- **Resident** – the person who signs the residential tenancy agreement with Evolve Housing
- **Spouse** – a husband or wife considered in relation to their partner
- **Household members** – all people living in the home regardless of age or relationship

4. Policy Statement

Evolve Housing is committed to the fair and effective management of appeals.

This policy outlines the approach of Evolve Housing in managing appeals lodged by applicants and residents. An applicant or resident has the right to lodge an appeal to Evolve Housing 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 NSW Civil and Administrative Council Tribunal (NCAT)
- The correct decision has been made in each

Evolve Housing individual case under review.

- Evolve Housing also views the appeals and review process as an opportunity to:
 - Gain feedback from residents and applicants
 - Demonstrate that we are open to receiving their views and issues
 - Review and improve our policies and procedures where necessary.

4.1 Appealing a decision

All Appeals must be lodged within 3 months of the applicant being notified of the original decision.

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

Applicants and residents have a right to appeal most decisions where Evolve Housing has applied a policy to their situation. Some matters come under the NSW Civil & Administrative Tribunal (NCAT), including maintenance and lease issues.

Where possible, applicants and residents who are not satisfied with our decisions are encouraged to first speak to the Evolve Housing 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 Evolve Housing
- The second level involves an independent review by the Housing Appeals Committee.

4.2 First Level Appeals

First-level appeals are made in writing using the Evolve Housing Appeals form available on the Evolve Housing website or at any Evolve Housing office. Residents and

applicants are encouraged to ask an Evolve Housing staff member for advice on whether their issue can be appealed, as not all issues are eligible for review by Evolve Housing (refer to lists below). Staff may also help the person in completing the form and give other assistance (the staff 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 20 working days from the date Evolve Housing received a resident's or applicant's written application for review. Exceptions to this timing may be where we are waiting on further information from the resident or applicant, or another person or organisation. The internal review will be conducted by an Evolve Housing 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 Evolve Housing's decision.

4.3 Second Level Appeals

If a resident or applicant believes the decision made by Evolve Housing 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.

4.4 Evolve Housing Applicants can appeal against the following issues:

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 residents

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. Offers of Property

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

6. Transfers

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

7. Rental Subsidy assessment

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

8. Modifications to a property

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

9. 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 residents under relocation powers

4.5 Evolve Housing applications and residents can not appeal the following issues

- 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 NCAT)
- Housing providers' policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of

- Evolve Housing
- 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 Evolve Housing policy
- Decisions to provide services on an “out of guidelines” basis
- Decisions about home purchases assistance services.

This policy is subject to change from time to time at the discretion of Evolve Housing. Where an individual is observed to not be working within the scope of this policy, the breach will be addressed by a team leader.

5. Responsibilities

It is the responsibility of the:

Chief Executive Officer to ensure this policy and associated procedures are applied and committed to by the Business Leadership Team.

General Manager, Housing & Property Services to provide the team with timely policy-related support and guidance.

Leadership Team/Team Leaders to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their team.

Employees to ensure they comply with this policy, be responsible for their own behaviour and if required, attend relevant training as provided by the company from time to time.

6. Related Resources

- Residential Tenancies Act 2010(NSW)
- Housing Pathways – Eligibility
- Evolve Housing Allocations Policy
- Succession of Tenancy Policy
- Transfer Policy
- Modifications Policy
- Resident Charge Policy

More information?

For more information about your tenancy go to www.evolvehousing.com.au