

PURPOSE

This Policy outlines Evolve Housing’s approach to issues of non-disclosure and fraud relating to Applicants and Tenants.

POLICY REFERENCE	HS017.4
POLICY OWNER	General Manager, Resident Services
APPROVED BY	Evolve Housing Ltd CEO
APPROVAL DATE	31 October 2022
REVIEW DATE	31 October 2025

APPLICANT AND TENANT - FRAUD AND NON-DISCLOSURE POLICY

1. SCOPE

This Policy relates to Social Housing provided by Evolve Housing Limited and its controlled entities, excluding Evolve Housing Vic Limited (referred to as the Company) and applies to all Tenants and all Applicants for accommodation.

2. POLICY STATEMENT

The Company is committed to ensuring that all approved tenancies and any rental subsidies provided to Tenants, are based on accurate information.

The Company is able to allocate homes to approved Applicants in accordance with the NSW ‘Housing Pathways’ eligibility requirements. Evolve Housing is also able to provide certain Tenants with a rental subsidy in accordance with the Evolve Housing Rent Policy (Social Housing) and the *Housing Act 2001* (NSW).

Applicants and Tenants are required to provide information to Evolve Housing to show they are entitled to receive accommodation or a rental subsidy.

If an Applicant or Tenant, either intentionally or unintentionally, provides misleading or incorrect information, or does not provide all of the required information:

- An Applicant may receive accommodation to which they are not entitled; or
- A Tenant may receive a rental subsidy to which they are not entitled.

The provision of misleading, incorrect or incomplete information by an Applicant or Tenant may need to be investigated by Evolve Housing as a case of Non-disclosure or Fraud.

2.1 Non-Disclosure

Non-disclosure can occur where:

- An Applicant or Tenant fails to provide all of the information requested in their application for housing or rental subsidy, or of any change in their household circumstances, but does not do this deliberately or with intent to mislead.

Non-disclosure is unintentional – it may be accidental, or without the intent to mislead.

2.2 Fraud

Fraud may result through deliberate omission, or through a false, incomplete or misleading statement. Fraud may occur where;

- An Applicant or Tenant is aware of their obligation to fully disclose information requested through the Housing Pathways process or in their Rental Subsidy Application, and they deliberately fail to do so;
- The Applicant or Tenant is aware of their obligation to advise Evolve Housing of any changes to their household circumstances, but deliberately fails to advise the change.

Fraud is intentional – it is done on purpose and with the intent to mislead.

2.3 Property wrongly allocated due to Non-disclosure or Fraud

An Applicant may be allocated an Evolve Housing Property they are not entitled to, if they have (either intentionally or unintentionally) not told, or not provided correct details to Evolve Housing about:

- Their identity
- Their household income including:
 - All wages or salaries received; and
 - Any other income received (for example from pensions or benefits, property, government allowances, child support and maintenance payments, an inheritance, shares, savings, other investments); and
- All property either fully or partly owned, by the applicant or anyone on the application;
- The fact that they are not a citizen or permanent resident of Australia;
- A possible conflict of interest (where the Applicant or Tenant has an association with a Director or Employee of Evolve Housing).

2.4 Rental subsidy wrongly applied due to Non-disclosure or Fraud

A Tenant may be receiving a rent subsidy which they are not entitled to, if they have (either intentionally or unintentionally) not told, or not provided correct details to Evolve Housing about:

- The number of occupants in the household or a change to the number of occupants;
- All of the income received by all of the household occupants including the Tenant;
- A change to the income of any household occupant including the Tenant;
- Any other income received by any household occupant including the Tenant (for example from pensions or benefits, property, government allowances, child support and maintenance payments, an inheritance, shares, savings, other investments),
- All property either fully or partly owned by any household occupant including the Tenant.
- Eligibility for social housing.

2.5 Evolve Housing Becomes Aware of Possible Non-disclosure or Fraud

The Company may become aware that an Applicant's or Tenant's circumstances under which they have received accommodation or a rental subsidy, may not be correct or may have changed. This information may come from a complainant or informant, or Evolve Housing may identify the issue through its own internal review processes.

If the Applicant or Tenant has not advised Evolve Housing of the correct information or the change in circumstances, Evolve Housing will undertake an initial assessment to determine whether possible Non-disclosure or Fraud has occurred.

Where possible Non-disclosure or Fraud has been identified, Evolve Housing will:

- Make more formal inquiries to obtain further information; and
- Advise the Applicant or Tenant in writing of the details of the allegation of Non-disclosure or Fraud, and give them an opportunity to respond to the allegations during an interview. The Applicant or Tenant may have a support person present at the interview. If an interpreter is required, Evolve

Housing will arrange for one to be present.

2.6 Procedural Fairness

The Company will apply the principles of procedural fairness when conducting any investigation of potential Non-Disclosure or Fraud. This means that the Applicant or Tenant will:

- Have the right to an impartial hearing;
- Be advised of the relevant policies or other information when making their application for accommodation or for a rental subsidy;
- Be told about the information and any documentary evidence held by Evolve Housing;
- Be given a reasonable opportunity to respond to any allegations made against them;
- Be advised of the outcome of the investigation; and
- Be advised of their right to appeal any decision made by Evolve Housing at the conclusion of the investigation.

2.7 Assessing the information

The Company will take all of the available information into account when deciding whether an Applicant's or Tenant's alleged provision of incorrect information or failure to disclose information about their circumstances is unsubstantiated, or does fall into the category of Non-disclosure or Fraud.

If an Applicant or Tenant is found to have received accommodation or a rental subsidy they are not entitled to due to Non-disclosure or Fraud, depending on the circumstances Evolve Housing may take various actions, including:

- Terminating the tenancy;
- Cancelling or adjusting the rental subsidies;
- Backdating of market rent or subsidy: and/or
- Criminal prosecution.

Any action taken will depend on the specific situation and Evolve Housing will take into consideration any mitigating or extenuating circumstances that may be applicable.

2.8 Possible Action

Any housing allocation or rental subsidy which has been obtained (in full or in part) through Non-disclosure or Fraud, is able to be reassessed or cancelled in accordance with the provisions of the *Housing Act 2001 No 52* (NSW). An order for action can also be made to the NSW Civil & Administrative Tribunal under the provisions of the *Residential Tenancies Act 2010* (NSW), where any debts owing by the Applicant or Tenant as a result of Non-disclosure or Fraud can be also pursued.

2.9 Criminal proceedings

Where an assessment conducted by the Company indicates that potential fraudulent behavior has occurred, Evolve Housing may investigate this further with a view to criminal prosecution. The standard process for criminal investigations will apply.

2.10 Privacy and confidentiality

The Company will protect the identity of an informant/complainant at all times and cannot disclose information about the informant/complainant without their express permission, unless required by law for example, as part of a criminal proceeding.

In order to protect the Applicant's or Tenant's privacy, the Company will not tell the informant/complainant about the outcome of the investigation.

2.11 Review of decision and opportunity to Appeal

If an Applicant or Tenant disagrees with a decision Evolve Housing has made that they believe may affect their application for housing or their tenancy, they should first discuss their concerns with a Housing Manager. If the Applicant or Tenant continues to be dissatisfied after speaking with a Housing Manager, they have the right to lodge an Appeal which will be assessed in accordance with the Evolve Housing Appeals Policy.

3. DEFINITIONS

- Appeal – a disagreement by an Applicant or Resident, with a decision made by Evolve Housing that affects their application for housing or their tenancy and which the Applicant or Resident has requested be reviewed.
- Applicant – a person who makes a formal application for housing assistance
- Approved Occupant – a person, in addition to the Tenant, who is approved in writing by the Landlord to reside in the Property.
- Property – the property or residential premises as described in the Residential Tenancy Agreement between Evolve Housing and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by Evolve Housing under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between Evolve Housing (as Landlord) and a Tenant, which governs the terms on which that Tenant occupies the property described in the Agreement.
- Tenant – a person who signs the Residential Tenancy Agreement with Evolve Housing and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)
- Termination Notice – a Notice to Terminate Tenancy Agreement under the *Residential Tenancies Act 2010*

4. RELATED RESOURCES

- Evolve Housing Appeals Policy
- Evolve Housing Rent (Social Housing) Policy
- *Residential Tenancies Act 2010* (NSW)
- *Housing Act 2001 No 52* (NSW)

This Policy is subject to change from time to time at the discretion of the Company

Further information on this Policy and other topics, is available on the Evolve Housing website www.evolvehousing.com.au. If you have any specific questions regarding this Policy, please contact Evolve Housing on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/08/2017		Policy adopted
4.0	31/10/2022	Raylee Golding, GM GAL/ Co Sec	Application of policy extended to controlled entities