

PURPOSE

This policy outlines Evolve Housing Vic Limited's (EHVL) approach to issues of non-disclosure and fraud relating to Applicants and Tenants.

POLICY REFERENCE	VHS019.1
POLICY OWNER	General Manager, Resident Services
APPROVED BY	Evolve Housing Ltd CEO
APPROVAL DATE	1 Mar 2022
REVIEW DATE	1 Mar 2025

APPLICANT AND TENANT - FRAUD AND NON-DISCLOSURE POLICY

1. SCOPE

This policy relates to Social Housing provided by EHVL and applies to all Tenants and all Applicants for accommodation.

2. POLICY STATEMENT

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

EHVL is able to allocate homes to approved Applicants that satisfy eligibility criteria for the Victorian Housing Register. There are five criteria an Applicant must meet to be eligible for the Victorian Housing Register:

- Proof of identity
- Australian citizenship or residency
- Victorian residency
- Income eligibility
- Asset eligibility

EHVL may have additional eligibility criteria for a specific Property it manages depending on the housing program that applies to that Property.

Tenants may also qualify for a rental subsidy in accordance with the EHVL Rent Policy (Social Housing) and the *Housing Act 1983* (Vic).

Applicants and Tenants are required to provide information to EHVL to show that 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 EHVL 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 is done accidentally or without knowing and there is no intent to mislead.

2.2 Fraud

Fraud can result through deliberate omission, or through a false, incomplete or misleading statement.

Fraud occurs where;

- An Applicant or Tenant is aware of their obligation to fully disclose information requested through the Victorian Housing Register 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 EHVL of any changes to their household circumstances but deliberately does not 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 EHVL Property that they are not entitled to, if they have (either intentionally or unintentionally) not told, or not provided correct details to EHVL about:

- 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;
- 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 EHVL).

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 EHVL 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.

2.5 EHVL Becomes Aware of Possible Non-disclosure or Fraud

EHVL 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 EHVL may identify the issue through its own internal review processes.

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

or Fraud has occurred.

Where possible Non-disclosure or Fraud has been identified, EHVL 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, EHVL will arrange for one to be present.

2.6 Procedural Fairness

EHVL 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 which had been provided to them when they were making their application for accommodation or for a rental subsidy;
- Be told about the information and any documentary evidence held by EHVL;
- 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 EHVL at the conclusion of the investigation.

2.7 Assessing the information

EHVL 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 EHVL may take various actions, including:

- Terminating the tenancy;
- Cancelling or adjusting the rental subsidies; and/or
- Criminal prosecution.

Any action taken will depend on the specific situation and EHVL 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 1983* (Vic) EHVL may also seek an order from the Victorian Civil and Administrative Tribunal (VCAT) to terminate the tenancy. Any person who obtains a housing allocation or rental subsidy (in full or in part) through Non-disclosure or Fraud may also be liable for an offence under the *Residential Tenancies Act 1997* (Vic) or other criminal law.

2.9 Criminal proceedings

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

2.10 Privacy and confidentiality

EHVL 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, EHVL 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 EHVL 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 EHVL Appeals Policy.

3. DEFINITIONS

- Appeal – a disagreement by an Applicant or Resident, with a decision made by EHVL 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
- Property – the property or residential premises as described in the Residential Tenancy Agreement between EHVL and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by EHVL under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between EHVL (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 EHVL and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)

4. RELATED RESOURCES

- EHVL Appeals Policy
- EHVL Rent (Social Housing) Policy
- *Residential Tenancies Act 1997* (Vic)
- *Housing Act 1983* (Vic)

This policy is subject to change from time to time at the discretion of EHVL.

If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted