



**Family &
Community Services**
Housing NSW

NSW Affordable Housing Guidelines

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NSW AFFORDABLE HOUSING GUIDELINES

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1.0 INTRODUCTION

Increasing the supply of affordable housing through the community housing sector is a strategic priority for the NSW Government to assist a greater number of households in housing need.

An opportunity exists for the community housing sector to play an increased role in its growth through its own investment. Because community housing providers can use debt funding, and can access tax and other concessions to reduce delivery costs, the community housing sector is an attractive partner for the NSW Government in the delivery of affordable housing in areas of need¹.

The *NSW Affordable Housing Guidelines* are Ministerial Guidelines that set out the policy framework for delivery of affordable housing by registered community housing providers.

These Guidelines set out:

- Principles for the operation of affordable housing programs;
- Expectations regarding housing outcomes for the target groups to be housed; and
- Expectations with respect to financial and asset management.

While affordable housing has many goals that are similar to social housing, there are specific policy and financial parameters and different risk factors, which are reflected in these Guidelines.

For registered community housing providers, failure to comply with these Guidelines is cause for regulatory review under the *Housing Act 2001*. Individual affordable housing projects may also be subject to specific conditions and requirements as set out in the community housing agreements with the NSW Land and Housing Corporation (Housing NSW).

2.0 DEFINITION OF KEY TERMS

The national definition of affordable housing agreed by Australian housing, planning and local government ministers is “housing that is appropriate for the needs of a range of very low, low and moderate-income households, priced to ensure households are able to meet other essential basic living costs.”

‘Affordable housing supply’ is defined within these Guidelines to give specific meaning to the particular initiatives to which they apply. Affordable housing supply:

- Is owned by or under the long term management² of registered community housing providers;
- Has been acquired through public; or public and private financing;
- Is allocated to very low, low and moderate income households in housing need;

¹ Housing NSW (2007), *Planning for the future: new directions for community housing in NSW*, p.14.

² These Guidelines may also apply to affordable housing projects involving government investment where community housing providers have management responsibility but do not hold title.

- Is financially self sustaining – providing housing does not depend on recurrent subsidies from the NSW Government for meeting operational, financing and asset management costs; and
- Meets defined standards of affordability and appropriateness.

3.0 APPLICATION OF GUIDELINES

These Guidelines apply to properties that are designated as affordable housing within a community housing provider’s portfolio of properties. Housing NSW may have a direct interest in these properties or the property may have been procured by community housing providers with finance secured against government funded assets.

Contracts between Housing NSW and community housing providers will indicate where housing must be managed in accordance with these Guidelines.

The Guidelines will also be issued as advisory guidelines to all registered community housing providers to be considered by them for application to any other affordable housing units that they manage or own, such as properties delivered through the *SEPP (Affordable Rental Housing) 2009*. This is intended to promote a consistent approach to the provision of affordable housing by registered community housing providers in NSW.

4.0 PRINCIPLES

There are five principles which govern the functioning of community housing providers and the delivery of housing affordability. The table below provides an overview to the principles of the supply of affordable housing through community housing providers.

PRINCIPLE	COMPONENTS
4.1 Relationships	Business partnerships – government and CHPs
	Roles and Responsibilities of community housing providers – CHPs to own and operate dwellings
	Consultative relationships – government and CHPs
4.2 Targeting of assistance	Those in need with housing stress
	Those with future income growth or home ownership targets
	Choice of housing for public housing applicants/tenants
4.3 Service delivery goals	Affordability – discounted rent
	Workforce incentives – improving economic circumstances
	Appropriateness – well located dwellings adhering to a number of standards
	Access and information – about affordable houses choice
	Social mix – ensured through projects
4.4 Financial management	Application of funds – procurement costs
	Efficiency – of use of subsidies
	Cost effective – best use of government investment
	Financial sustainability – between affordability and sustainable operation

Reinvestment of retained earnings – into affordable housing supply

4.1 Relationships and partnerships

Business partnerships – The new initiatives position government and community housing providers as business partners with each party contributing funds and other resources toward increased affordable housing supply.

Roles and responsibilities of community housing providers – In general, community housing providers will own and operate new affordable housing supply. Providers will make independent business decisions concerning the operation of affordable housing programs, which are informed by the requirements of the NSW government and their financial and policy goals. The NSW government will develop and implement policy objectives for affordable housing supply in addition to appropriate regulatory requirements. The NSW government will monitor providers' performance to ensure compliance under specific program or project agreements and through the Regulatory Code.

Consultative relationships – The NSW government and community housing providers will work together in a transparent, cooperative manner. The NSW government will be mindful of the business consequences for community housing providers of policy decisions concerning affordable housing programs. Policy decisions will be informed by consultation with providers'.

4.2 Targeting of assistance

Affordable housing supply aims to:

- Create access to affordable housing for households in housing stress who do not meet the social housing eligibility criteria; or who would be unlikely to be allocated social housing in the short to medium term;
- Support households with income growth potential and/or prospective home ownership in the medium term by offering affordable rental housing; and
- Give public housing applicants and tenants, including those exiting public housing, another choice of housing which may be more suited to their needs.

4.3 Service delivery goals

There are five overarching service delivery goals for affordable housing programs in NSW. These include affordability, workforce incentives, appropriateness, access and information and social mix.

Affordability – Affordable housing supply will be let at a discount to local market rents, taking into account household income and capacity to pay. Various methods may be used to set rents.

Workforce Incentives – Rent levels for affordable housing supply will not be set so as to act as a disincentive for households to improve their economic circumstances through employment and training opportunities where they have the capacity to do so.

Appropriateness – Housing acquired through affordable housing programs will be well located, meet a range of household needs, meet environmental and energy efficient

standards and be delivered in accordance with service standards common to community housing.

Access and information – Potential tenants will have access to information about affordable housing choices including rent and allocations policies, enabling them to make informed choices between affordable housing, social housing or private market tenures.

Social mix – Affordable housing supply will ensure a social mix by avoiding large congregations of affordable housing units and through the allocation of housing across varying income bands. Consideration should be given to achieving income mix on individual projects noting that allocations will be informed by the need to match demand to available supply. In some cases, allocations may also be targeted to a specific population group as in a housing development for aged households.

Appendix 1 provides a set of potential objectives for affordable housing programs that should be considered by community housing providers.

4.4 Financial management

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

Efficiency – Any subsidies that are provided to access, obtain, manage and maintain affordable housing supply should be used in the most efficient way.

Cost effective – Affordable housing supply will make best use of government investment through utilising 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.

Financial sustainability – Rent policy needs to achieve a balance between affordability and the sustainable operation of affordable housing, including meeting the cost of private finance. To assist in achieving sustainability, income limits will generally exceed those for public housing and rents will be set to optimise the amount of Commonwealth Rent Assistance (CRA) payable.

Reinvestment of retained earnings - 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.

5.0 ELIGIBILITY

5.1 Income

Definitions of income will be consistent with the definition set out in the *Community Housing Rent Policy*.

Affordable housing which is subject to these Guidelines will target households whose incomes fall within very low, low and moderate income bands as nationally agreed by Ministers. These income bands are defined as:

- Very low – less than 50% of the median household income for Sydney or rest of NSW, as applicable;

- Low – between 50% and 80% of the median household income for Sydney or rest of NSW, as applicable; and
- Moderate – Between 80% and 120% of the median household income for Sydney or rest of NSW, as applicable.

For affordable housing subject to these Guidelines, income eligibility limits will vary by household size as set out in Appendix 2, updated on an annual basis.

Income limits will be reviewed annually to reflect consumer price index (CPI) adjustments to social security pensions and benefits or movements in average weekly earnings as applicable.

5.2 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 include currently living in unaffordable and/or unsuitable housing and the need to relocate for employment or family reasons.

5.3 Assets

Applicants should not have assets or property which could reasonably be expected to solve their housing situation. Policies should not however, discourage eligible households from saving towards a home deposit.

5.4 Applications may be made directly to community housing providers

Applicants for affordable housing are not required to apply through Housing Pathways prior to lodging an affordable housing application.

5.5 Other criteria

Other eligibility criteria such as residency will be consistent with the *Community Housing Eligibility and Access Policy*.

6.0 ALLOCATION POLICY

6.1 Factors informing allocations

It is intended that affordable housing supply will be allocated across three income bands, as previously listed. The allocation to different income bands will aim to balance the needs of households in housing stress with the requirement to generate sufficient income to meet finance as well as other operating costs.

Allocations by community housing providers will therefore be informed by a number of factors:

- Financial viability;
- Provision for allocations on a priority basis;
- Achieving a mix of income bands and household sizes in and/or across projects; and
- Matching of supply to need.
- Applicants' connection to the local area.

Consideration should also be given to local conditions, such as labour supply, when making allocation decisions.

It is recognised that in order to ensure financial viability, revenue from operations must be sufficient to build a surplus – to offset contingent risks and to support investment in additional affordable housing supply. Risk management includes ensuring that any affordable housing properties developed are kept in acceptable condition for their use and that no liabilities occur that would detract from the provider's ability to deliver services on behalf of the Department.

This means that at least in the short term, allocations of affordable housing supply to higher income households may exceed those for lower income households. Over time, as resources permit the relative allocation of housing in a project or portfolio may need to be adjusted to achieve a balance across the three target income bands.

6.2 Applicant registration for affordable housing supply

Community housing providers will develop an application and allocations policy for prospective tenants. Community Housing providers should make this policy publicly available.

7.0 RENT SETTING

7.1 Affordability

Rent setting policy will ensure affordable outcomes for eligible households. Different approaches may be used to achieve this objective such as 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. Regardless of approach, the expected outcome for very low and low income households is that households would not pay more than 30% of their income in rent.

Greater flexibility in pricing may be applied to moderate income households but in all cases, the relevant circumstances of the applicant household³ and their capacity to pay will be guiding principles.

For purposes of assessing affordability, the rent to (household) income ratio will be defined as rent net of CRA over income net of CRA.

7.2 Commonwealth Rent Assistance and GST

Rent levels should be set to maximise CRA and take advantage of the Australian Taxation Office (ATO) rulings on GST supply. 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 the market rent. The ATO has set market rents for NSW as a whole (see Table 4, Appendix 2).

Financial analysis shows that:

- For NSW as a whole, the weekly rent at which CRA payments are maximised is lower than 75% of market rents; and
- For Sydney, market rents in some localities are higher than the ATO rulings – these are mainly in northern and eastern suburbs.

³ For example, relevant circumstances might include benefit to the client accessing housing closer to their work that reduces their outlays for travel.

This means that rent that is less than 74.9% of market rent will attract both maximum CRA and GST free tax status in most localities.

For some localities, a discount to market rent greater than 25% may be required to attract GST free status. Maximum CRA would continue to be available for these localities. Further information on these issues is contained in Appendix 3.

7.3 Pricing and financial viability

Overall rent policy will be informed by the need to ensure that revenue is sufficient to cover costs, inclusive of debt repayments, as no recurrent subsidy will be available for affordable housing supply.

Rent policy may also include varying prices for individual units of housing according to the amenity and location of the dwelling

Pricing may be adjusted in line with market trends subject to rent levels meeting affordability principles. The process for implementing rent increases shall be in accordance with the *Residential Tenancies Act 1987*. A minor amendment to Clause 26 of the *Residential Tenancies Act 1987* will be made to accommodate rent increases.

8.0 REVIEWS OF ELIGIBILITY FOR AFFORDABLE HOUSING

Eligibility reviews will generally take place six months prior to the expiration of a fixed term lease. In the case of long term leases, annual reviews of eligibility may be conducted.

9.0 TENURE

Leases for affordable housing will be for fixed terms determined by the provider relevant to tenant circumstance. A lease should be no longer than a period of ten years in keeping with the NSW Government's longest lease term under Reshaping Public Housing reforms.

Leases will be eligible for renewal for a further term on the condition that tenants continue to meet eligibility criteria (noting that some clients may have progressed into a higher income band). Ongoing eligibility will include a consideration of whether a tenant has acquired assets or property that could reasonably be expected to solve their housing situation whilst a tenant.

Where tenants' income is above the maximum income limit for moderate income earners, the ability of the household to move immediately to private rental or home ownership will be assessed in consultation with the tenant.

Assessment of the capacity to move immediately will be influenced by factors such as the:

- Cost of appropriate private rental housing;
- Probability of a household saving sufficient funds to enable a move to home ownership in the short term; and
- Need for a particular location for schooling, employment or necessary medical or family support.

In these circumstances, the tenant will generally have up to twelve months to move to alternative accommodation.

10.0 TRADING 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 re-invested in affordable housing supply and there is to be no net loss of housing units following reinvestment. The cost of re-housing tenants affected by the sale of affordable housing supply will be met by the community housing provider.

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

11.0 APPLICANT AND TENANT RIGHTS

Under these Guidelines providers must make available information to affordable housing tenants that specify the details and parameters of their tenancy, including information on rent setting and tenure.

Under these Guidelines providers must implement a two stage appeal policy. A first level appeal or review may be requested by the tenant or applicant to the housing provider, initiating an internal review of the issue. If the applicant or tenant is unsatisfied with the internal review decision, they may take their appeal to the Housing Appeals Committee for an independent review of the original decision.

12.0 REPORTING AND REGULATORY REQUIREMENTS

Reporting requirements will be set out in the community housing agreement between Housing NSW and the provider. Specific reporting requirements may be set out for particular affordable housing programs.

Under the *Housing Act 2001*, providers must comply with the Regulatory Code in order to maintain registration as a community housing provider. The Regulatory Code sets out requirements that must be met in relation to the provider's operations and the provision of community housing. These include fairness and resident satisfaction (Part 2); sustainable tenancies and communities (Part 3); protection of government investment (Part 7); and efficient and competitive delivery of community housing (Part 9). For each performance area there are requirements that a provider must meet. For example within the Regulatory Code, Performance Area 4: Asset Management, specifically deals with the participation of community housing providers in strategic asset management 'to ensure that community housing providers engage in strategic asset management to meet residents' housing needs and preferences at present and in the future.' Registered community housing providers must also ensure that their properties are well maintained and that residents are satisfied with their condition.

13.0 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 1 – POSSIBLE OBJECTIVES FOR AFFORDABLE HOUSING INITIATIVES

Primary objectives	
<i>Affordable Housing</i>	To improve access to existing housing that is affordable for both low and moderate income households and those with specific housing needs in housing affordability stress (the target groups); and To preserve and add to the supply of affordable housing where it is needed for the target groups.
Supporting objectives	
<i>Appropriate Housing</i>	To ensure that housing provided is appropriate to the needs – and changes in needs – of the target groups in response to: <ul style="list-style-type: none"> • Size and type of household; • Cultural needs of households; • Occupant circumstances (e.g. need for support services; need for stability); and • Locational needs of households. To provide well designed housing and neighbourhoods. To contribute to the environmental sustainability of dwellings provided to the target groups.
<i>Participation</i>	To enable the target groups to participate in decisions about affordable housing policies, products and projects.
<i>Positive non shelter outcomes</i>	To provide affordable housing in ways that can strengthen the economic and social position of the target groups. Specific consideration should be given as appropriate to contributions to: <ul style="list-style-type: none"> • Incentives for workforce participation; • Support for family life and work family balance; • Ways of supporting the health, well being and education needs of occupants; • Enabling ageing in place, and • The development of socially cohesive communities and community building processes.
<i>Choice</i>	To diversify the housing and tenure options available in local housing markets and to provide the target groups with adequate choice.
<i>Equity</i>	To target any subsidies that are provided to the target groups in proportion to need. To give priority of assistance to those most in need.
<i>Longer term benefits</i>	To retain and use any benefits gained from investing in housing for the target groups to meet the needs of future generations. To progressively improve the capacity of the private and not for profit sectors to provide affordable housing.
<i>Unintended impacts avoided</i>	To avoid as far as possible any unintended impacts of the way that initiatives intended to improve the affordability of housing are implemented. For example, to avoid measures that contribute to a sudden surge in demand and a consequential short term boom in house prices.
<i>Efficiency</i>	To use any subsidies that are provided to access, procure, manage and maintain housing in the most efficient way.

Source: Milligan, V. Phibbs, P. Gurrán, N. and Fagan, K. 2007. *Approaches to Evaluation of Affordable Housing Initiatives* Research Paper 7, NRV3 “Housing Affordability for Lower Income Australians”, AHURI: Melbourne, Table 1.1.

APPENDIX 2 – HOUSEHOLD MEDIAN INCOMES

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 Federal Government (Department of Families, Community Services and Indigenous Affairs). The NRAS income limits for households, can be viewed by visiting the Department of Families, Community Services and Indigenous Affairs http://www.fahcsia.gov.au/sa/housing/progserv/affordability/nras/Pages/nras_info.aspx

TABLE 1: MEDIAN HOUSEHOLD INCOME LEVELS BY INCOME BAND

INCOME BANDS	% OF MEDIAN INCOME	ANNUAL INCOME RANGE (Sydney) 2011-12	ANNUAL INCOME RANGE (NSW) 2011-12
Very low	< 50% median	< \$34,400	< \$30,900
Low	50% - 80% median	< \$55,000	< \$49,400
Moderate	80% - 120% median	< \$82,500	< \$74,100

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	\$20,800	\$33,300	\$50,000
Each additional adult (18 years or over)	Add \$10,400 to the income limit	Add \$16,700 to the income limit	Add \$25,000 to the income limit
Each additional child (under 18 years)	Add \$6,200	Add \$10,000	Add \$15,000
New South Wales			
Single adult	\$18,100	\$28,900	\$43,400
Each additional adult (18 years or over)	Add \$9,000 to the income limit	Add \$14,500 to the income limit	Add \$21,700 to the income limit
Each additional child (under 18 years)	Add \$5,400	Add \$8,700	Add \$13,000

TABLE 3*: HOUSEHOLD INCOME BANDS BY HOUSEHOLD SIZE**A: SYDNEY REGION**

Household type	Very low	Low	Moderate
Single	< \$20,800	< \$33,300	< \$50,000
Single + 1	< \$27,000	< \$43,300	< \$65,000
Single + 2	< \$33,200	< \$53,300	< \$80,000
Single + 3	< \$39,400	< \$63,300	< \$95,000
Single + 4	< \$45,600	< \$73,300	< \$110,000
Couple	< \$31,200	< \$50,000	< \$75,000
Couple + 1	< \$37,400	< \$60,000	< \$90,000
Couple + 2	< \$43,600	< \$70,000	< \$105,000
Couple + 3	< \$49,800	< \$80,000	< \$120,000
Couple + 4	< \$56,000	< \$90,000	< \$135,000

B: REMAINDER OF NEW SOUTH WALES

Household type	Very low	Low	Moderate
Single	< \$18,100	< \$28,900	< \$43,400
Single + 1	< \$23,500	< \$37,600	< \$56,400
Single + 2	< \$28,900	< \$46,300	< \$69,400
Single + 3	< \$34,300	< \$55,000	< \$82,400
Single + 4	< \$39,700	< \$63,700	< \$95,400
Couple	< \$27,100	< \$43,400	< \$65,100
Couple + 1	< \$32,500	< \$52,100	< \$78,100
Couple + 2	< \$37,900	< \$60,800	< \$91,100
Couple + 3	< \$43,300	< \$69,500	< \$104,100
Couple + 4	< \$48,700	< \$78,200	< \$117,100

* These tables will be updated annually by the Centre for Affordable Housing and available on its website <http://www.housing.nsw.gov.au/Centre+for+Affordable+Housing/>

APPENDIX 3 – APPLICATION OF GST AND COMMONWEALTH RENT ASSISTANCE TO RENT SETTING

Rent setting by community housing providers should aim to maximise Commonwealth Rent Assistance (CRA) and take advantage of Goods and Services Tax (GST) exemptions.

The Australian Taxation Office rules state that the non-commercial supply of accommodation by charities will be GST-free if accommodation provided is supplied for consideration that is less than 75% of the GST inclusive market value.

The ATO has established benchmark maximum rents that community housing providers can use to determine the value of 74.9% of market rents. Table 4 sets out the current ATO weekly market maximum rents for New South Wales by number of bedrooms and the value of rent at 74.9% of the benchmark.

TABLE 4: ATO WEEKLY MARKET RENTS BY BEDROOM SIZE

House Size	ATO Set Market Rate	Maximum Rent (74.9%)
1 bedroom	\$418.75	\$313.64
2 bedrooms	\$581.25	\$388.17
3 bedrooms	\$743.75	\$557.07
4 or more bedrooms	\$965.25	\$722.97

Source: Table 5, Charities Consultative Committee Resolved Issues Document, Part 3 – Non-commercial activities of charities, cost of supply and market value tests, Section C – Benchmark market values for charities, ATO. January, 2010. This data is updated annually by the ATO <http://www.ato.gov.au/nonprofit/content.asp?doc=/content/16250.htm&page=14>

Current maximum CRA rates are set out in Table 5. As shown the weekly rent at which CRA payments are maximised (rents beyond this point do not attract additional CRA) is below 74.9% of market rents shown in Table 4.

This means that community housing providers can potentially set rents that maximise CRA but still fall below the 75% benchmark.

Determining 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 – in some cases, a smaller discount to market rent above ATO rulings may be more cost effective than savings on GST.

TABLE 5*: RENT ASSISTANCE RATES PAID FORTNIGHTLY UNDER *FAMILY ASSISTANCE ACT* 2010

Family Situation	Maximum rate of RA	Rent threshold	Fortnightly Rent at which max. rate of RA is payable	Weekly Equivalent
Single, no children	\$116.40	\$103.60	\$258.80	\$129.40
Single, no children, sharer	\$77.60	\$103.60	\$207.07	\$103.54
Couple, no children	\$109.80	\$168.60	\$315.00	\$157.50
Partnered, illness separated, no children	\$116.40	\$103.60	\$258.80	\$129.40
Partnered, temporarily separated, no children	\$109.80	\$103.60	\$250.00	\$125.00
Single, 1 or 2 children	\$136.78	\$136.36	\$318.73	\$159.37
Single, 3 or more children	\$154.56	\$136.36	\$342.44	\$171.22
Couple, 1 or 2 children	\$136.78	\$201.74	\$384.11	\$192.06
Couple, 3 or more children	\$154.56	\$201.74	\$407.82	\$203.91

Source: Centrelink, effective from 20 March 2011.

*This table will be updated regularly and available from the Centrelink http://www.centrelink.gov.au/internet/internet.nsf/payments/rent_rates.htm