Policy: Former Tenant Classification		
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Policy Context:	
National Regulatory System for Community Housing	• Performance Outcome One – Tenant and Housing Assets • Performance Outcome Six – Management
Legislation and Regulations	• Residential Tenancies Act 2010 (NSW) • Limitation Act 1969 (NSW)
Other obligations	• Homes NSW - Housing Pathways ○ Eligibility for social housing policy ○ Ending a tenancy policy ○ Homes NSW Social Housing Eligibility and Allocations Policy Supplement

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1. Purpose and Objectives

The purpose of this policy is to:

- Provide a fair, consistent, and transparent framework for classifying former social housing tenancies managed by Homes North.
- Align Homes North practice with NSW Housing Pathways and Homes NSW former tenant categorisation requirements.
- Set clear rules for assessing rehousing eligibility of former tenants, including where outstanding tenancy-related debt exists.

2. Scope

This policy applies to:

- All former social housing tenants of Homes North.
- Former social housing tenants of Homes North who reapply for housing assistance through Housing Pathways.
- All Homes North staff involved in tenancy management, housing options, eligibility assessment, and allocation decisions.

3. Policy Principles

Homes North commits to:

- Applying former tenancy classifications consistently and in accordance with NSW Government policy.
- Ensuring decisions are evidence-based, proportionate, and procedurally fair.
- Balancing tenancy sustainability, debt recovery, and access to housing assistance.
- Providing former tenants with clear reasons for decisions and access to review and appeal processes.

4. Definitions

Former Tenant/Former Tenancy

A person who has exited a social housing tenancy with Homes North or another NSW social housing provider. Both terms are used in this policy and apply to both the former tenant and their former tenancy.

Tenancy-Related Debt

Outstanding amounts arising from a former tenancy, including rent arrears, water usage, tenant-responsible repairs, cleaning, damage, or other end-of-tenancy charges.

Housing Register

The NSW Housing Register administered through Housing Pathways.

NCAT

NSW Civil and Administrative Tribunal

5. Regulatory Framework

Housing Pathways

Homes NSW and community housing providers participating in Housing Pathways apply the same types of categories to former social housing tenants. However, a community housing provider such as Homes North may have their own policy which they may use to determine which category should be applied to a particular tenant.

Assessing former social housing tenancy debts under the *Limitation Act 1969 (NSW)*

The following is a plain-English summary of relevant limitation periods and is not intended to reproduce the exact wording of the *Limitation Act 1969* (NSW). Where there is any inconsistency, the legislation and any court or tribunal orders prevail.

Under section 14 of the *NSW Limitation Act 1969* a client can only be held legally responsible for a debt from their former social housing tenancy for a period of:

- **Six (6) years from the date that the debt was first incurred.**
    - If the debt is acknowledged or payment is made in that six years, debt repayments can continue to be accepted for an additional period of six years from the date of acknowledgement or last payment. After that the client cannot be held legally responsible for the debt, or

- **Twelve (12) years from the date of a court order if a judgement has been obtained against a former tenant regarding that debt.**
    - Debt repayments can be accepted for a period of twelve years from the date of judgement. If only partial payment is received in those twelve years, payments can continue to be accepted for a further six years from the date of last payment.

A tenant is responsible for a debt for six years after the NSW Civil & Administrative Tribunal (NCAT) has made orders that the debt is payable. This period of time can be extended by six years to twelve years if the NCAT orders are ratified by a Court (e.g., the Local Court) within six years of the date of the NCAT order.

If the above time periods for acknowledging or repaying debt have expired, the social housing provider can still categorise the former tenant based on the amount of debt that they were previously responsible for and apply some conditions when determining the client's eligibility for further housing assistance.

For more information on which conditions can be applied see **Homes NSW Social Housing Eligibility and Allocations Policy Supplement - Specific conditions for former social housing tenants** which is available via the NSW Government website.

5.1 Classification of Homes North Former Tenancies

Homes North will classify all Homes North former tenancies (the former tenant) once the tenancy has ended and all relevant transactions have been finalised in our housing management software. If the former tenant later applies to be rehoused, Homes North will then categorise the former tenant within HOMES (Homes NSW housing management software).

5.1.1 Satisfactory Former Tenancy

A former tenancy may be classified as Satisfactory where the former tenant:

- Owed less than $500 in tenancy-related debt at end of tenancy; and
- Had no more than two breaches for anti-social behaviour in the last two years of the tenancy.

Rehousing eligibility:

Former tenants classified as Satisfactory are eligible for housing assistance and offers, subject to standard Housing Pathways eligibility requirements.

5.1.2 Less Than Satisfactory

A former tenancy may be classified as Less Than Satisfactory where the former tenant:

- Moved out owing the provider less than $5,000 in rent, repairs, water usage and/or other tenancy-related debt at end of tenancy or:
    - Had three or more breaches of the Residential Tenancy Agreement in the last twelve months; or
    - Abandoned the property; or
    - Left the property in an unsatisfactory condition; or
    - Had substantiated complaints of antisocial behaviour that fell within the category of minor and moderate or serious antisocial behaviour

Clients will be considered as Less Than Satisfactory former tenants when substantiated complaints of antisocial behaviour in these categories resulted in the following action:

- A Notice of Termination being issued for antisocial behaviour
- An order obtained from the NSW Civil and Administrative Tribunal (NCAT) that a tenant had breached their tenancy agreement for antisocial behaviour, such as a Specific Performance Order (SPO).

If an Order of Possession was sought, see **5.1.3 Unsatisfactory Former Tenancy**.

Rehousing eligibility:

Former tenants classified as Less Than Satisfactory:

- Will have their Housing Register application suspended until tenancy-related debt is reduced to $1,500 or less.

Once this threshold is met, the application may be reinstated and considered for offers. Continued eligibility is subject to consistent repayment and periodic review.

5.1.3 Unsatisfactory Former Tenancy

A former tenancy may be classified as Unsatisfactory where the former tenant:

- Owes more than $5,000 in tenancy-related debt; or
- Was evicted from their tenancy due to a breach of the tenancy agreement, or
- Vacated before an Order of Possession to evict them was enforced for a breach of the tenancy agreement, or
- Had their tenancy terminated in accordance with a NSW Civil and Administrative Tribunal order and were signed to a new tenancy agreement, or
- Are “repeat” Less Than Satisfactory tenants (that is, they have moved out of a social housing property more than once with Homes North and/or other housing providers and on more than one occasion were assigned a Less Than Satisfactory category), or

- Had substantiated complaints of minor and moderate or serious antisocial behaviour and:
    - were evicted, or
    - an Order of Possession was being sought but they vacated before the order was obtained, or
    - vacated before an Order of Possession to evict them was enforced.

Rehousing eligibility:

Former tenants classified as Unsatisfactory:

- Will have their application suspended until:
    - debt is reduced to $1,500 or less, and
    - they demonstrate six months of stable, non-social housing tenancy free of breaches
- Former tenants classified as unsatisfactory must also demonstrate appropriate housing supports before offers are considered.

5.1.4 Ineligible Former Tenancy

A former tenancy is classified as ineligible if:

- They were evicted for an extreme breach of their tenancy agreement, or
- An Order of Possession was being sought but they vacated before the order was obtained for an extreme breach, or
- They vacated before an Order of Possession for an extreme breach could be enforced.

Examples of extreme breaches may include:

  - committing injury towards a neighbour or visitor which constitutes grievous bodily harm
  - physical assault or acts of violence against other tenants, neighbours or social housing staff or their contractors where there is no grievous bodily harm
  - the use of the premises for the manufacture, sale, cultivation or supply of any prohibited drug
  - the use of the premises for storing unlicensed firearms.
- Serious antisocial behaviour, which resulted in a direct application for termination at the NSW Civil and Administrative Tribunal under Section 92 of the Residential Tenancies Act 2010 for threats, abuse, intimidation or harassment by the tenant, or a member of their household, toward social housing staff or their contractors.
- The tenant or a member of their household was convicted of arson or deliberate damage of a social housing property, making it uninhabitable.
- The tenant, or a member of the household, is found guilty of social housing rent subsidy fraud in the criminal courts.

Only Homes NSW Executive/Directors or the Chief Executive of a community housing provider can determine whether a former social housing tenant is ineligible for social housing due to a serious breach of their tenancy.

Rehousing eligibility:

Former Homes North tenants classified as Ineligible are not eligible for rehousing, inclusion on an application, or offers. This classification remains in place regardless of debt repayment, unless removed by the Chief Executive Officer of Homes North.

6. Debt and Rehousing Threshold

- Former tenants with tenancy-related debt exceeding $1,500 are not eligible for rehousing.
- Eligibility may only be considered once debt is reduced to $1,500 or less.
- Meeting the debt threshold does not guarantee housing and does not override other eligibility, risk, or allocation requirements.

7. Delegations

Classification	Role Delegation
Less Than Satisfactory	Team Leader Tenancy Services Manager Senior Housing Manager Regional Manager Tenancy
Unsatisfactory	Senior Housing Manager Tenancy Services Manager Regional Manager Tenancy
Ineligible (including removal)	Chief Executive Officer

8. Procedural Fairness and Appeals

Homes North will:

- Advise former tenants of their classification and its impact on eligibility.
- Provide reasons for decisions, where requested.
- Allow and advise former tenants that they may seek review of Homes North tenancy classification decisions and lodge an appeal seeking review via our appeals process, outlined under the Homes North Appeals Policy, which is available on our website.

9. Review and Governance

This policy will be reviewed every twelve months or earlier if NSW Housing Pathways policy changes.

All decisions made by Homes North employees must be documented and auditable in Homes North and HOMES systems as relevant.

Documents related to this policy	
Related policies	Allocations Appeals End of Tenancy
Forms or other organisational documents	