



# Rental Fraud Policy

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## 1. Purpose

This document defines Homes North’s approach to issues of fraud relating to applicants and tenants.

## 2. Scope

This policy applies to all applicants offered accommodation by Homes North and all tenants living in properties owned or managed by Homes North.

## 3. Policy statement

Homes North is committed to ensuring that all approved tenancies, rental subsidies and applications are based on accurate information.

Homes North may allocate homes, to approved applicants in accordance with the eligibility requirements set out in [Housing Pathways](#). During the period of a tenancy, a tenant may apply for and receive a rental subsidy, in accordance with the [FACS Community Housing Rent Policy](#).

An applicant or tenant is required to provide sufficient information to Homes North, to show they are entitled to receive accommodation or a rental subsidy. Homes North may grant a rental subsidy under the provisions of the Housing Act 2001.

If an applicant has been approved for accommodation, or a tenant approved a rent subsidy, to which they are not entitled, the applicant or tenant:

1. May be receiving accommodation for which they are not entitled.
2. May not have disclosed all information concerning their circumstances.
3. May have provided misleading or fraudulent information.
4. May have committed fraud when applying for accommodation or a rent subsidy.

**Fraud** occurs where:

- An applicant is aware of their obligation to provide full disclosure of information in relation to questions in their Housing Pathways application, or a tenant is aware of their obligations to provide full disclosure of information relating to their Rental Subsidy Application and deliberately fails to do so.
- The applicant or tenant is aware of their obligation to advise Homes North of any change to their household circumstances, and deliberately does not advise of the change. This can occur either by deliberate omission, or through a false, incomplete or misleading statement.
- Where Homes North investigates an allegation of fraud, it will apply the principles of procedural fairness. This means an applicant or tenant will:
  - Have the right to an impartial hearing
  - Be advised of the relevant policy and what is required of them
  - Be told about the information and any documentary evidence Homes North has obtained
  - Be given a reasonable opportunity to respond to any allegations made against them
  - Be advised of the outcome of the investigation and their right to appeal.
- Where Homes North finds an applicant or tenant has received accommodation or a rental subsidy they are not entitled to, it may take a range of actions, depending on the circumstances. These actions include:
  - Cancelling or adjusting rent subsidies
  - Termination of the tenancy and/or
  - Reporting the matter to law enforcement/ police.

Homes North can take these actions under the provisions of the Housing Act 2001 and the Residential Tenancies Act 2010. For fraud relating to the Residential Tenancy Agreement Homes North will seek action through the [NSW Civil & Administrative Tribunal \(NCAT\)](#).

#### 4.1 Alleged fraud

An applicant receives an allocation of a property they are not entitled to if they have not told Homes North about:

- Any financial interest in, income from or ownership of, any property (may include shares, savings or an inheritance, or a Trusteeship), or;
- A conflict of interest (where they have a relationship with the owner of a lease hold property).

A tenant may be receiving a rent subsidy, to which they are not entitled if they have not told Homes North about:

- The number of household occupants or a change to the number of household occupants.
- All of the income received by the household occupants (including the tenant).
- A change to the income of any household occupant (including the tenant).
- All financial interests of the household occupants (including the tenant), for example, shares, savings, an inheritance or a Trusteeship.
- All property ownership interests of the household occupants (including the tenant).

#### 4.1.1 Allegation

Where Homes North receives information that an applicant's or tenant's circumstances may have changed, or may not be correct and the tenant has not told Homes North, the matter will be investigated by:

- Where relevant, asking the person who supplied the information (informant or complainant) if they are willing to provide their information in writing. However, information provided verbally will result in a written assessment and investigation
- Conducting an initial assessment of the allegation to determine, if a possible non-disclosure or fraud has occurred.

#### 4.1.2 Investigation of allegations

Where the initial assessment indicates that a possible fraud has occurred, Homes North will continue to investigate by:

- Making relevant inquiries
- Advising the applicant or tenant in writing of the details of the allegation and giving them an opportunity to respond to the allegations during an interview
- Interviewing the applicant or tenant and giving them a reasonable opportunity to respond to any allegations. The applicant or tenant may have a support person present at the interview. If an interpreter is required, Homes North will arrange for one to be present
- In assessing the information Homes North will take a range of information into account when deciding whether an applicant's alleged failure to disclose information about their circumstances is an unsubstantiated allegation, non-disclosure or possible fraud
- Homes North will then decide on the action to take based upon the outcome of the assessment.

Homes North will take into consideration any mitigating circumstances that may be applicable.

## 4.2 Legislation and compliance

Homes North is able to grant, re-assess or cancel an allocation of housing or rental subsidies in accordance with the provisions of the Housing Act 2001. Homes North is able to pursue any debt resulting from a rent subsidy cancellation or reassessment in accordance with the provisions of the [Residential Tenancies Act 2010](#).

The Housing Act 2001 prescribes a possible maximum penalty of 200 penalty units (that is equivalent of \$2,200.00 at the date of publication of this policy) and/or three months imprisonment for:

- Knowingly making a false statement or representation to obtain social housing or upon being housed to claim a rent subsidy, to which they are not entitled.
- Failing to notify Homes North of a change of circumstances with the intention of obtaining or retaining or continuing to obtain benefit, to which the client/tenant knows they are not entitled.

## 4.3 Privacy and confidentiality

Homes North 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 privacy, Homes North will not tell the informant/complainant about the outcome of the investigation.

## 4.4 Criminal proceedings

Where an assessment indicates that possible false information, either for accommodation or a rental subsidy, has occurred, Homes North will investigate this with a view to criminal prosecution.

## 4.5 Further information, review of decision, appeals

If an applicant disagrees with a decision Homes North has made, they should first discuss their concerns with a Senior Housing Manager. The next step, if they still believe Homes North made an incorrect decision, is to ask for a formal review of the decision.

## 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 Senior Management Team.
- **Senior Housing Managers, Operations Manager & Asset Manager** to provide the team with timely policy-related support and guidance, 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. Where to get more information

Contact Homes North on 67725133

### Relevant legislation

- Housing Act 2001
- Residential Tenancies Act 2010
- Homes North Rent (Social Housing) Policy

### Related documents/policies

- FACS Community Housing Rent Policy
- Homes North Appeals Policy
- Housing Act 2001
- Residential Tenancies Act 2010
- Homes North Rent (Social Housing) Policy

## National Community Housing Standards

Standard 1.2 – Establishing and Maintaining Tenancies

### Policy Information

Policy number: 1.2.2\2

Adopted: 13 July 2017