



Appealing social housing decisions

This is general information about how to dispute a decision made by a social housing provider.

Social housing providers make some decisions that are covered by their policies and not by a residential tenancy agreement. Those decisions can be appealed through an administrative review process.

Social housing provider policies

Every social housing provider should have published policies about how they make decisions about particular issues. However, there can be differences in those policies depending on whether the provider is a community housing provider or DCJ Housing.

Some policies have to be consistent across all social housing providers, such as policies about eligibility for social housing (income limits etc) and the amount of rent that is charged.

On other issues, housing providers have flexibility to write their own policies.

TIP: Social housing providers can make their own policies about issues like bedrooms a person is intended to or what financial support a provider will give someone if they decide to move them.

What issues are covered by social housing provider policies.

There are a number of common issues that clients can have with a social housing provider that are covered by the provider's policies, rather than a residential tenancy agreement.

Some of the most common problems can be about applying for priority housing, calculating rental subsidies and transfers.

Appealing a decision made by a social housing provider

If a client asks the provider to make a decision about an issue, such as applying for priority housing or a transfer, the provider must apply their policy when making a decision about that issue.

If the provider makes a decision that the client disagrees with (ie. their application for transfer was declined), there is a process for the client to dispute that decision.

The steps in disputing a decision are:

- A first-tier review conducted by the housing provider;
- A second-tier review conducted by the Housing Appeals Committee.

A decision can be reviewed if the client believes that the provider did not correctly apply their policy when they made their decision or give proper consideration to their individual circumstances.

However, the policy itself and whether it is fair or unfair cannot be reviewed.

Lodging a first-tier review

If a client believes that the provider did not correctly apply their policy when making the decision, the client can request a first-tier review of that decision.

If the provider is DCJ Housing, that review can either be lodged online or on a paper form. Community housing providers have different ways for clients to lodge first tier appeals but will usually accept a form or even an email.

A first-tier review decision is made by the social housing provider, but it should be made by a person who was not involved in the original decision.

TIP: It is important to check on the provider's website for any time limits that apply. The standard time limit is 3 months, but for some decisions (like offers of housing) the timeframes can be much shorter.

When making a decision about a first-tier review, the provider should look at all of the relevant information that they had about the situation and decide whether their policy was correctly applied.

The provider must consider any submissions that the client makes and any new or extra information that the client provides that is relevant to the decision. This means the client can give the provider extra documents that the provider did not have when they made the original decision.

The provider will decide to either change the original decision or decline the review.

Second-tier review

If the first-tier review is unsuccessful, an application for a second-tier review of the decision can be made to the Housing Appeals Committee. That request for review can be lodged online through the Committee website or by filling out a form.

TIP: It is important to check on the Committee's website for any time limits that apply. The standard time limit is 3 months, but for some decisions the timeframe can be much shorter.

When completing the request for review, the client should provide the documents that they previously gave to the provider as well as any new information that the client wants the Committee to consider.

When the Committee receives a request for a second-tier review, they will schedule a hearing of the application which can be attended by the client and an advocate/support person. At the hearing, the Committee will ask questions and allow the client to explain why they disagree with the provider's decision. The Committee will usually have obtained a copy of the client's file from the provider and may ask questions based on those documents, but they will not provide a copy of the file to the client.

The Committee's role is to decide if the provider complied with their own policies when making the original decision. The Committee cannot consider whether the policy itself is correct or fair, only how the policy has been applied. The Committee can take into account new information that is provided by the client; they are not restricted to only looking at what the provider had at the time.

If the Committee believes that the original decision is wrong, they will recommend that the provider change their decision. The Committee does not have the power to make the provider change their decision, it can only make a recommendation.

If the Committee believes that the original decision is correct, they will decline the review. If the Committee declines the review, there is no further appeal that the client can lodge.