

Rental Fraud & Non-Disclosure

1. Purpose

The purpose of this policy is to outline how Housing Trust will respond to situations involving suspected rental fraud and non-disclosure of household changes (including occupancy and income). The intent of this policy is to:

- Ensure that tenants are receiving the correct rental subsidy
- Minimise fraud
- Outline appropriate action when Housing Trust finds that a tenant is receiving a rent subsidy they are not entitled to

2. Policy statement

Under the *Housing Act*, Housing Trust has the authority to grant a rent subsidy based on the gross income and assets of a household. It is a tenant's responsibility to satisfy Housing Trust that they are (and remain) entitled to this rebate by declaring any changes to income or occupancy.

Tenants must notify Housing Trust of changes to either household occupancy or income within 21 days of a change occurring. Failure to notify changes may result in a Rental Fraud or Rental Subsidy Non-Disclosure and an investigation will be done on your tenancy. If Housing Trust receives information (either verbally, in writing, in person, or via email) that a tenant may be receiving a rent subsidy they are not entitled to, Housing Trust will assess and investigate the situation to determine if:

- No further action is required, or
- Rent subsidy non-disclosure has occurred, or
- Rent subsidy fraud has occurred

3. Confidentiality

All allegations of rental fraud and/or non-disclosure will be treated confidentially, unless disclosure is required by law, or unless the information source agrees to disclose their identity.

4. Investigation of Suspected Rental Fraud or Non-Disclosure

Where Housing Trust investigates an allegation of rental fraud or non-disclosure, it will apply the principles of procedural fairness.

Dealing with an alleged failure to disclose a change in household circumstances

A tenant may be receiving a rent subsidy they are not entitled to if they have not told Housing Trust about:

- All household occupants or a change to the 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 of the financial interests of the household occupants (including the tenant), for example,

- shares, savings, an inheritance
- All property ownership interests of the household occupants (including the tenant).

5. Outcome in cases of Rental Fraud or Non-Disclosure

Where the Housing Trust concludes on the balance of probabilities that a tenant has received or is receiving a rent subsidy they are not entitled to, it may take a range of actions. These actions may include:

- Cancelling or adjusting rent subsidies
- Seeking specific performance orders in the NCAT
- Termination of the tenancy
- Action to recover an outstanding debt and/or
- Criminal prosecution

Tenants subject to an investigation will be advised that the Housing Act prescribes penalties which could include a maximum penalty of \$2,200 and/or 3 months imprisonment for wilfully making a false statement to claim a rent subsidy to which the tenant is not entitled to, or failing to notify a change of circumstances with the intention of retaining or continuing to obtain a benefit which the tenant knows they are not entitled to.

The Housing Trust will provide tenants with a reasonable opportunity to remedy instances of rental fraud and non-disclosure by repaying any outstanding amounts due within a reasonable time period. 'Reasonableness' will be considered having considered the extent of the fraud/non-disclosure as well as the history of the tenancy.

6. Referral to other agencies

Depending on the nature of alleged fraud or non-disclosure, Housing Trust may refer the matter to Police or other authorities such as Centrelink irrespective of any confidentiality or privacy policy that may apply.