

Tenancy Management: Establishing and Maintaining a Tenancy

Policy No. T-4			
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Related policies and documents	Bond Policy, Rent Charges policy, Water Policy, Tenant Rights, Nomination and Support		

Scope

This policy applies to all tenants, applicants, staff, household occupants, volunteers and contractors of Amélie Housing.

Policy Statement

It is the policy of Amélie Housing to:

- Meet all the legal requirements of a landlord as set out in the Residential Tenancy Act (2010)
- Offer security of tenure under the different program guidelines for transitional, social and affordable housing
- Implementing and make available tenancy management policies that apply to tenants and applicants, in a variety of formats
- Demonstrate responsiveness to the individual needs of tenants
- Demonstrate fairness by assisting tenants to understand their tenancy rights and responsibilities
- Assist tenants to engage in equitable and non-discriminatory practices
- Establishing a professional, transparent and sustainable relationship with tenants
- Offering appropriate information, training and support to Board and Staff about the rights and responsibilities of landlords and tenants.

Compliance

This policy assists Amélie Housing to comply with:

Compliance Document	Section/Number	Area
National Community Housing Standards	1.2	Establish and maintaining tenancies
	1.3	Changing Needs of Tenants
	1.4	Ending Tenancies
	4.1	Tenants' Access to Support
National Regulatory Code Evidence Guidelines	1a	Tenant and Housing Services – Eligibility, access and engagement
	1c	Tenant and Housing Services – setting and meeting housing standards

Starting tenancies

Amélie Housing will meet all legal and ethical requirements when beginning a tenancy by entering into a Residential Tenancy Agreement with each tenant as determined by the Residential Tenancy Act (2010) in NSW, Residential Tenancies Act South Australia (1995) or other relevant legislation, depending on the state or jurisdiction.

Amélie Housing will ensure that tenants are aware of their rights and responsibilities under the terms and conditions of the Residential Tenancy Agreement and receive a copy of them Residential Tenancy Agreement and Property Condition Report; and to ensure that both documents are understood by the tenant.

Amélie Housing will also provide information to new tenants regarding:

- the organisation,
- its services and policies,
- opportunities for tenant participation and feedback,
- opportunities to access education, training and employment
- opportunities to access support to meet identified and emerging additional needs
- and applying for membership.

Amélie Housing will ensure that all records relating to tenancies are accurate, relevant and easy to use and maintain throughout the tenancy and are consistent with policies and community housing good practice.

Tenants are provided with the most secure form of tenancy possible. Amélie Housing will clearly inform tenants of the circumstances under which the tenancy can be terminated and what their rehousing options might be.

Amélie Housing will facilitate appropriate assistance for a new tenant to enable them to settle into their new home, and will respond promptly to any reasonable questions, concerns and requests.

Accessing services to establish the tenancy

Amélie Housing will ensure the tenant is able to access any assistance they may require, including:

- Affordable removal services
- Value for money electricity connections
- Affordable whitegoods and home furnishings
- Access to support

Condition reports

In accordance with Residential Tenancy Legislation in each state or territory, Amélie Housing will use a Property Condition Report, which is prepared by inspecting the property when it is ready for occupation and before the agreement is signed.

Repairs identified by Amélie Housing at the start of tenancy inspection are to be promptly undertaken and, if possible, before the tenant moves in.

Under no circumstances is a tenant to be asked to sign any copy of a Property Condition Report before they have checked their copy with the property's condition.

Any further maintenance and/or reports highlighted by the tenant on the returned completed and signed Property Condition Report are to be noted and the tenant advised how and when the work will be undertaken.

Property condition reports will be supported by photographs of property condition clearly showing dates and times on the photographs taken.

Supported tenancies

Amélie Housing will ensure that the distinction between the role of tenancy management and the role of support is clearly explained to supported housing tenants.

Amélie Housing will ensure that tenants in supported housing are aware that accepting support is not a condition of their lease. If unable to offer secure accommodation because of the aims of the support program Amélie Housing will provide tenants with a fixed term lease and refer them to suitable services to meet their longer-term housing needs.

A supported housing tenant may also have a separate support contract with the support provider.

Shared housing arrangements

Where unrelated adults are sharing facilities, a separate Residential Tenancy Agreement is used for each tenant to provide them with exclusive rights to occupy their bedroom and the right to use common facilities.

Each tenant will be charged their portion of the total bond for the property, which will be lodged separately to the other tenants.

Co-tenancies are on a voluntary basis and applicants can express their willingness to consider this as a housing option on their application. Every endeavour is made to match co-tenancies based on information provided on their application. Amélie Housing will facilitate the meeting of the two parties who are then required to demonstrate their willingness to live together.

Absences

Amélie Housing seeks to meet the housing needs of its tenants and applicants, therefore when a property is allocated the tenant is expected to live in it. Tenants who will be absent from their property for more than six weeks are required to seek approval from Amélie Housing. Approval will depend on Amélie Housing being confident that:

- The rent will be paid
- The property will be looked after by an agent properly appointed by the tenant
- There is a valid reason for the absence, and
- The tenant will be contactable by mail and phone during the period of absence.

Amélie Housing will charge the current subsidised rent for absences up to three months. After this time, the full market rent will be charged.

Absences longer than six months will generally not be approved. Exception may be made on the following compassionate grounds:

- Caring for sick/frail family members
- Hospitalisation, institutional care, nursing home care or rehabilitation
- Escaping domestic violence, harassment or threats of violence
- Accessing employment, education, training.

If an absence is not approved, the tenant will relinquish their tenancy. Under such circumstances, the former tenant can join the waiting list.

If a tenant is absent for more than six weeks without notifying Amélie Housing, or stays away for longer than approved, the organisation may:

- Charge market rent on the property from the time the tenant has left, or from the date the approval expired
- Act to end the tenancy, through action at the relevant Tribunal in each state, territory and jurisdiction.

Consideration will be given to transferring the tenancy to another family member, if they are remaining in the premises, while the tenant is absent for a period over three months.

Good Neighbours

It is the policy of Amélie Housing to promote a peaceful environment by dealing with issues of nuisance and annoyance, harassment, violence and criminal behaviour that may occur in our housing.

Amélie Housing considers the following types of behaviour to be a breach of the Residential Tenancy Agreement:

- Violence
- Damage to property
- Harassment
- Abuse and arguments.

Nuisance, annoyance and illegal activities are a problem for Amélie Housing as landlord, and for other residents, tenants and neighbours. These behaviours are known as anti-social behaviour.

All complaints about anti-social behaviour will be investigated within 7 working days.

Complaints and Appeals

A tenant can appeal a decision regarding absences using the Complaints and Appeals policy. If a tenant is sentenced to prison, they can apply to retain their tenancy for up to three months. Each case will be considered on its merits. If the reason for imprisonment is related to a breach of the Tenancy Agreement, action will commence to terminate the tenancy.

If a tenant is not satisfied with a service provided by Amélie Housing or does not agree with a decision it has made, they can ask for a formal review. To do this, the tenant can complete a **review of decision** form.

Details on how to make a complaint, provide feedback or lodge an appeal are found in Amélie Housing Complaints and Appeals policy.

Additional information for NSW Tenants

If a tenant is unhappy with the outcome of an appeal to Amélie Housing, they can lodge an appeal Housing Appeals Committee. The Housing Appeals Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeals Committee call 1800 629 794 or go to www.hac.nsw.gov.au.