

# Affordable Housing: Tenancy and tenancy changes

<b>Policy No. AH-3</b>			
<b>Version No.</b>	3	<b>Date:</b>	July 2018
<b>Board meeting date of acceptance</b>		July 2018	
<b>Effective date</b>		August 2018	
<b>Review date</b>		July 2022	

## Scope

This policy applies to all tenants, staff and applicants of Amélie Housing in affordable housing programs and properties.

## Policy Statement

Amélie Housing will manage tenancies and changes to eligibility in a way manner that is transparent and fair.

All tenancies will be managed in accordance with regulatory guidelines for each state and territory, including the relevant Tenancy legislation.

It is the policy of Amélie Housing to:

- Meet all the legal requirements of a landlord in each state and territory
- Offer fixed term tenure under the national and state guidelines for 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 as part of the Affordable Housing Program, including ongoing eligibility
- Assist tenants to engage in equitable and non-discriminatory practices
- Establishing a professional, transparent and sustainable relationship with tenants

## Compliance

This policy assists Amélie Housing to comply with:

Compliance Document	Section/Number	Area
National Community Housing Standards	1.1	Allocation of Housing
Evidence Guidelines National Regulatory Framework for Community Housing	1a	Tenancy and Housing, Allocate Housing

## Fixed Term Tenancies

Amélie Housing offers fixed term, six months or twelve-month leases on Affordable Housing Properties. Eligibility for another fixed term tenancy will be assessed prior to the end of the lease.

## Starting an Affordable Housing Tenancy

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.

## **Ongoing Eligibility**

To remain in affordable housing tenants must continue to meet all eligibility criteria set by State and Commonwealth governments, and any additional criteria defined by the affordable housing program.

That is, households must still meet the general eligibility criteria, demonstrate an ongoing housing need and not have assets or property which could reasonably be expected to resolve their housing need.

## **Notifying Amélie Housing of Changes to Eligibility**

Amélie Housing requires households to notify us of any changes to income, household members or employment status. These changes can impact ongoing eligibility for Affordable Housing

### **When tenants are no longer eligible**

When tenants no longer meet the eligibility criteria for Affordable Housing, they will not be offered a further fixed term tenancy.

They will be assisted and referred to secure rental accommodation in the private market.

Amélie Housing will give tenants reasonable notice of intention to end their tenancy, issuing the tenant with a termination notice on the grounds that they are no longer eligible for Affordable Housing. (In NSW, this relates to Section 143 of the Residential Tenancy Act 2010)

## **Over -Income Exception: National Rental Affordability Scheme**

If a tenant earns a higher income, they are permitted to earn 25% above the maximum eligibility income for moderate income before they become ineligible. This aligns with NRAS ongoing eligibility criteria for existing tenants.

### **Income Under the Eligibility Level**

When eligibility is reviewed as part of a fixed term lease ending, or if a tenant or household notifies a change to income level that falls below the eligibility threshold, Amélie Housing will

in the case of a tenant becoming unemployed, Amélie Housing will refer the tenant to support services that may allow the tenant to find new employment. If the tenant is still unemployed, at the end of their fixed term lease Amélie Housing will assist the tenant to apply for Social Housing if they are eligible.

in the instance that the tenant's income will not increase, for example in the case of retirement or illness, Amélie Housing will assist the tenant to access suitable support services and

accommodation to meet their needs. This may include programs such as specific housing for over 55's, social housing or assisted living properties.

## Absences from Affordable Housing

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

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](http://www.hac.nsw.gov.au).