

HOUSING MANAGEMENT POLICY

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28 Feb 2022	28 Feb 2023	Updates on multiple tenancies, sub-letting and transfers
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This Policy will be reviewed from time to time to reflect changes in business operations or legislation or three (3) years from the date of adoption.

HOUSING MANAGEMENT POLICY

1. POLICY STATEMENT

The Housing Management Policy outlines Many Rivers Regional Housing Management Services Aboriginal Corporation's (Many Rivers) commitment and approach to tenancy and property management.

The Policy ensures that the best interests of owners and tenants are achieved and defines the values that underlie our tenancy and property management services. It provides guidance that is consistent with relevant legislation and aligns with the Residential Tenancies ACT 2010 NSW, The Aboriginal Housing Act 1998 and the Aboriginal Housing Office Framework and Guidelines 2017.

2. PURPOSE

Many Rivers' tenancy management practices are documented, accountable, transparent and applied consistently.

This policy:

- Supports tenants to be provided with stable and quality housing
- Outlines and upholds tenants' rights and responsibilities
- Describes tenancy conditions that are legal, ethical and appropriate for Many Rivers tenants and partners
- Provides for positive and sustainable relationships with tenants
- Enables effective and efficient administration of tenancies
- Supports quality service delivery
- Supports partner communities to thrive

3. SCOPE

This policy applies to tenants, owning partners, employees and board of directors. The policy is intended to provide staff, owning partners and tenants a policy framework to achieve a shared understanding of their rights and responsibilities from the start of the tenancy through to its conclusion. These rights and responsibilities are governed by the Residential Tenancies Act 2010 NSW.

The policy covers tenancy management when commencing a tenancy and during a tenancy.

4. DEFINITIONS

- **Tenant** - the person or persons as listed on the Residential Tenancy Agreement



- **Residential Tenancy Agreement (RTA)** - an agreement under the Residential Tenancy Act 2010 between the social housing provider and a tenant for the purpose of leasing a residential property.
- **Owning partner (or partner)** - an organisation that owns property that provides Aboriginal community housing which is managed by Many Rivers.
- **The Act** – Residential Tenancy Act 2010

5. POLICY

The Residential Tenancy Act 2010 provides a regulatory framework for residential tenancies in NSW. It balances the interests of tenants and landlords. The Act and the regulations set out in the standard residential tenancy agreement (RTA) outlines the rights and responsibilities for landlords and tenants. The Act gives the NSW Civil and Administrative Tribunal (NCAT) power to hear and settle disputes about residential tenancies.

SECTION 1. COMMENCING A TENANCY

Establishing Tenancy

Each new tenant must sign a Residential Tenancy Agreement which complies with the Residential Tenancies Act 2010.

The Residential Tenancies Act sets out the legal requirements, including the obligations of both landlords and tenants. Tenants are fully informed of their rights and responsibilities during the sign-up appointment. This information is conveyed in a friendly and respectful manner.

The language that is used during this process should reflect Many Rivers' desire to see tenants sustain their tenancy.

Each tenant will receive a Starting Tenancy Kit to assist in their tenancy.

The kit will include:

- A signed Residential Tenancy Agreement
- A copy of the NSW Fair Trading New Tenant Checklist
- A copy of any Special Conditions associated with the property
- A Property Condition Report
- A Centrelink Deduction Consent Form
- Copy of the Keys being received
- A copy of the Many Rivers Tenant Handbook
- Tenant reference cards
- Information on support services, should they require their assistance during the tenancy



The rights and responsibilities of tenants are revisited with the tenant throughout the tenancy, especially when more complex issues arise.

1.1 The Residential Tenancy Agreement

A residential tenancy agreement is an agreement under which a person grants to another person for value a right of occupation of residential premises for the purpose of use as a residence – as defined by the Residential Tenancies Act 2010 NSW.

Many Rivers uses fixed term RTAs on the latest version of the Standard NSW RTA template. Standardly, fixed term agreements become periodic or continuing agreements at the end of the term. Continuing agreements provide more flexibility for tenants and owning partners.

The RTA contains standard terms that cannot be varied or missed. Additional terms consistent with The Act can be included but must be agreed upon by all parties involved.

When signing an RTA:

- All tenants are invited to bring a support person at the appointment. Tenants aged between 16 and 18 years are invited to bring a trusted adult.
- If it is identified that the person signing the agreement does not understand the information, additional support is sought from the Aboriginal Tenancy Advisory Service, community member, representative from Local Aboriginal Land Council or other responsible person as appropriate.
- Tenants are provided a copy of the Many Rivers Tenant Handbook
- Tenants are provided a copy of the property condition report (see section 2.2)

1.2 Condition Report

All properties are inspected prior to the commencement of a tenancy. An accurate and detailed condition report is completed capturing the current state of the property on a room-by-room basis including fixtures and fittings. The condition report is supported by photos.

The condition report forms a legal component of the Residential Tenancy Agreement provided to the tenant/s when signing the agreement. Wherever possible, the tenant accompanies the Many Rivers' team member while completing the condition report.

The tenant is required to review and return completed condition report to Many Rivers within 7 days, as per RTA. If the condition report is not returned by the tenant within 7 days, it is assumed that the tenant accepts the condition report as an accurate record of the property's condition.

In the case that the tenant does not agree with significant details in the condition report, the Housing Support Officer will revisit the property and review it again together with the tenant, to reach mutually agreement.



1.3 Water Efficiency and Water Charges

All tenants are able to be billed for water use because Many Rivers ensures that residences are separately metered and properties meet water efficiency measures as per RTA.

A property is considered water efficient if:

- Water efficiency devices are installed in all internal taps and single mixer taps at the start of the tenancy (excluding bathtubs and laundry taps and taps for appliances).
- There is a maximum flow rate of 9 litres per minute for taps and shower heads

If required, properties have water efficiency measures installed at the start of the tenancy.

In cases where a property is not separately metered by the council, Many Rivers installs infrastructure to track water usage at the property.

The water meter reading is recorded at the start of the tenancy on the condition report and the first billing period is calculated from this.

All tenants are required to pay water consumption charges unless otherwise stipulated in their Residential Tenancy Agreement. Tenants are encouraged to make regular payments towards their water usage alongside rental payments.

1.4 Smoke Alarms & Electrical Compliance

All properties meet electrical compliance standards as per 146A of the Environmental Planning and Assessment Act 1979 and AHO standards.

Ongoing compliance is achieved by:

- Initial condition report confirming the presence of functional, hard-wired smoke alarms
- Annual safety and compliance checks by a qualified person
- Electrical and smoke alarm issues classified correctly (urgent, priority or standard) and rectified within the required timeframe (See repairs and maintenance section for more information).

1.5 Rent

Clear and well implemented rent collection processes ensure transparency and that tenants are treated fairly. Rent collection, and the maximising of rent collection, is critical for the payment of essential costs: repairs and maintenance, insurance and rates. Safe and habitable housing relies on rent collection.

Rent setting

MRRAHMS



Aboriginal Housing Office (AHO) Properties and AHO Sub-Properties rents are determined by AHO Build & Grow Rent Policy and AHO guidelines.

All other rents are set by the policy stated in the management agreement for that partner.

Rent Reviews

Rent review are conducted every 6 months or as per the relevant policy.

A rent review includes:

- Review current occupants and their income
- Current market rent for the property
- Review of updated AHO policy and guidelines, if applicable

For any rent increases, tenants are notified in line with RTA notice periods.

Commonwealth Rent Assistance

All eligible tenants are supported to access the Commonwealth Rent Assistance (CRA) Scheme. CRA is a Centrelink payment that offsets weekly rental costs. CRA payments vary depending on the amount of rent paid by the tenant. When rent is adjusted, Many Rivers works with tenants and Centrelink to ensure CRA payments are accurate.

1.6 Tenancy File

Files and database records are created before, or within 1 business day, a tenant signing a new RTA.

These records include a database record and a hard-copy tenant file.

	Housing database	Hard-copy file
Signed RTA	✓	✓
Signed photocopy of keys handed to the tenant	✓	✓
Condition Report (signed copy if returned)	✓	✓
(Centrelink) Income Statement or payslip	✓	✓
A copy of identification	✓	✓
Breach notice	✓	✓
Termination notices	✓	✓
Rent increase/decrease	✓	✓
Inspection notice	✓	
End of month statement	✓	
Tenant correspondence	✓	



SECTION 2: DURING A TENANCY

2.1 Routine Inspections

All properties are inspected by the Many Rivers team a minimum every 6 months. More inspections are conducted when required. However, the number of inspections must not exceed the permissible number under the RTA guidelines. More information is available in the Inspection Procedure.

2.2 Rent Reviews

Rent reviews are carried out across portfolio's every 6 – 12 months, to ensure accurate rents are determined for our tenants. Tenants are given notice of rent reviews and subsequently any rent increases in accordance to the Residential Tenancy Act.

2.3 Arrears Management

Tenants have a legal obligation to pay their tenancy charges as they become due. If they do not make payments, their accounts fall into arrears; this is a breach of their tenancy agreement.

Arrears management processes are outlined in The Maintaining Tenancy Policy.

2.4 Occupancy and Visitors to the Property

Tenants are responsible for the actions of visitors and for ensuring visitors follow the tenancy requirements. Tenants are responsible for any damage caused by visitors to the property and the associated costs to rectify any issues.

Tenants can have friends and family stay at the property if:

- it doesn't result in overcrowding
- it is for a period of no more than 28 days for a visitor on a full-time basis)
- it is for no more than 3 nights per week for a visitor on a part-time or casual basis)

The approved number of occupants is listed on the RTA. Approval needs to be gained to have additional occupants added to the lease. Approval is at the discretion of Many Rivers.

2.5 Breaches and Tenancy Terminations

A breach of the RTA occurs when a tenant/s fail/s to meet their obligations under the agreement. A Notice to Remedy (also known as a Breach Notice) is issued that states the nature of the breach, the actions required to remedy the breach and the timeframe for the stipulated remedy to be completed.

Failure to comply with a Notice to Remedy may result in a Notice of Termination being issued under Section 89 of the Act.

Breaches can be issued for:

- Tenant damage to the property
- Anti-Social Behaviour towards other tenants and Many Rivers staff
- Disturbing the right of neighbours to live in reasonable peace, privacy and security
- Using the property in a manner which is not permitted under the RTA such as illegal purposes or practices
- Obstructing lawful access to the property by Many Rivers staff and trades instructed to complete repairs and maintenance
- Failure to inform Many Rivers of changes to income or housing composition
- Rent and non-rent debts
- Making changes to the property
- Keeping pets without the approval of Many Rivers

Many Rivers reserves the right to monitor the progress of tenants who have been requested to rectify a breach, including access to the property to inspect. This includes where a breach has involved damage to or inappropriate use of the property.

2.6 Succession of tenancy

(i) Succession of Tenancy

Succession of tenancy is considered when an individual can demonstrate an ongoing connection to the property. Many Rivers takes guidance from the owning partner and, where applicable, the community when determining if an ongoing connection to the property exists.

There is no automatic right of tenancy succession.

Clients applying to succeed a tenancy must meet eligibility criteria and provide evidence as required to support their request. All requests must be put in writing to Many Rivers.

Where applicable, rent will be assessed on the changes within the household's new income, to ensure it aligns with the applicable rent setting policy.

The signing of a new RTA finalises the succession.

(ii) Mutual Exchange

Mutual exchange is completely voluntary. This provides an opportunity for tenants residing in properties managed by Many Rivers to move to more suitable accommodation.

When a match is identified, by mutual consent, contact details will be exchanged so both parties can inspect the properties to determine their suitability.

Mutual Exchanges will only be approved if:

- Written approval gained from owning organisation
- Both rental accounts are up to date
- Both water accounts are up to date
- The number of bedrooms is appropriate to the size of the household
- Any damage to current property is rectified
- The tenant meets the eligibility criteria for the new property e.g. meets income requirements
- There are no breaches or complaints against the tenants

All costs associated with relocation are the responsibility of the tenants.

(iii) Property Transfers

Many Rivers assists tenants residing in properties managed by Many Rivers who would like to transfer. Full details are in the Property Transfer Policy.

(iv) Transfer of Tenancy

A tenancy transfer is when changes are made to the people named on a lease.

Transfer of tenancy will only be considered on the following grounds:

- Clients applying to transfer a tenancy meet the eligibility criteria for Aboriginal Social Housing, can maintain the rental payments, and provide written evidence of such
- One tenant, under the current residential tenancy agreement remains as a tenant and residing within the property
- Written approval is granted from the owning organisation for Aboriginal Land Council and Aboriginal Corporation properties. Many Rivers will make assessment for Aboriginal Housing Office properties as per the relevant management agreement

(v) Multiple Tenancies

Many Rivers does not support nor approve a tenant holding multiple tenancies. This is part of Many Rivers commitment to the effective management of the scarce resource of Aboriginal community housing.

Many Rivers investigates all reports of multiple tenancies and addresses any substantiated instances.

This could be managed through evidence of abandonment or through the applicable eligibility criteria for community housing, depending on the situation.

(vi) Sub-Letting

Aboriginal community housing is designed to provide secure and affordable rental housing for people on low incomes who meet applicable eligibility criteria.

Sub-letting in community housing:

- prevents equitable access
- prevents transparent and fair allocation processes
- risks that housing assets are not use for their intended purpose

Residential Tenancies Act 2010 section 75 states that social housing providers are not required to consent to subletting or partial tenancy transfers.

Moreover, Many Rivers does not approve nor support sub-letting of properties under any circumstances.

2.7 Documentation

Accurate and up-to-date records of all tenancies are maintained by Many Rivers, including:

- Property Inspections
- Rent reviews and rent increases
- Breach notices
- Termination Notices
- Lease Renewal/s
- NCAT applications and orders
- Tenant support

6. DOMESTIC VIOLENCE

Many Rivers is committed to supporting tenants who are victims of domestic violence. Many Rivers provides a referral for tenants to support agencies when domestic violence is noted or advised.

A tenant is permitted to change locks and security devices immediately and without prior approval from Many Rivers, if they have a provisional, interim or final AVO which prohibits another tenant or occupant from accessing the property. The tenant must provide a set of new keys to Many Rivers within 7 days or locks being changed, unless otherwise agreed.